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Legal Translation and Terminology in the Irish Free State, 1922-1937

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**Legal Translation and Terminology
in the Irish Free State, 1922-1937**

A thesis submitted in the fulfilment of the requirements for the degree
of
Doctor of Philosophy

to the
School of Arts, English and Languages
Queen's University Belfast

by

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ABSTRACT

This thesis explores the role and impact of *Rannóg an Aistriúcháin* - the *Oireachtas* Government Translation section - on English-Irish legal translation and terminology, with particular focus on the period 1922-1937; a period bookended by the establishment of the Irish Free State and the enactment of *Bunreacht na hÉireann* (the Constitution of Ireland) in 1937. It aims to assess the efficacy and consistency of the translation strategies and Irish legal terms employed by *Rannóg an Aistriúcháin*, and to investigate how modern translation theory – specifically equivalence theory – may be applied to English-Irish legal translation as a whole.

While a semantic study of the English and Irish versions of the amended 1937 Constitution has previously been carried out (Ó Cearúil, 1999), there has yet to be any specific study of other translated English-Irish legislative material within the Irish Free State or, indeed, of any laws translated within the *Rannóg*. This is an area which holds great research potential as regards assessing the efficacy of a particular body of translations, as the position of the Irish language in the Republic of Ireland is a unique one. Not only is Irish an official language of the European Union, but it enjoys constitutional status as the National and First Official language of the Republic of Ireland, with Article 25.4.6° of the Irish Constitution 1937 providing that:

‘In case of conflict between the texts of a law enrolled under this section in both the official languages, the text in the national language shall prevail’.

In other words, should the Irish translation deviate in any way from its English legislative counterpart, it is the Gaelic translated legislation - along with all its construed connotations and associations - which has the upper hand. With this reasoning in mind, this thesis takes a corpus of EN-GA legislative material translated by *Rannóg an Aistriúcháin* during the period 1922-1937, from which legal terms are chosen for analysis and qualitatively and semantically assessed in the context of Equivalence translation theory and legal translation.

Ultimately, this thesis provides a new critical assessment of the reliability of Irish language legal terminology in primary legislation from this period; an analysis of how Equivalence theory may be applied to EN-GA legal translation as a whole; and provides some guidelines for future endeavours in English-Irish legal translation and terminology.

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TABLE OF CONTENTS

INTRODUCTION	2
CHAPTER ONE	16
Historical & Linguistic Background	16
1.1. Historical Context.....	16
1.2. <i>Rannóg an Aistriúcháin</i>: People and Method.....	19
1.2.1. Establishing the Translation Section.....	19
1.2.2. <i>Rannóg an Aistriúcháin</i> and Irish language Terminology	23
1.3. <i>Rannóg an Aistriúcháin</i>: Contribution to Standardisation.....	27
1.3.1. Cló Gaelach Debate.....	27
1.3.2. Creating an Orthographical Standard.....	31
1.3.3. Creating a Grammatical Standard	35
1.4. Terminology	37
1.4.1. Introduction to Terminology	37
1.4.2. Terminology Defined	38
1.4.3. The Development of (Legal) Terminology in Irish.....	40
1.4.4. Irish language terminology pre-1922	41
1.4.5. Irish language terminology 1922-1959	42
1.4.6. Irish language terminology & Foclóir de Bhaldráithe, 1959	50
1.4.7. An Buanchoiste Téarmaíochta, 1968 onward	52
CHAPTER TWO	55
Theoretical Applications & Methodology.....	55
2.1. Equivalence and Translation.....	55
2.1.1. Equivalence Defined	55
2.1.2. Natural vs. Directional Equivalence	57
2.1.3. Natural Equivalence	58
2.1.4. Directional Equivalence	61
2.1.5. Dynamic vs. Formal Equivalence	63
2.1.6. Dynamic Equivalence	64
2.1.7. Formal Equivalence	66
2.2. Legal Translation.....	70
2.2.1. Translation Theory and Legal Translation.....	70
2.2.2. Letter of the Law	71

2.2.3. LSP: Language for Specific Purposes.....	73
2.2.4. <i>Skopos</i> Theory	74
2.2.5. Reiss' Functional Approach.....	75
2.3. Methodology.....	76
2.3.1. Introduction	76
2.3.2. English-Irish Legal Translation.....	77
2.3.3. English-Irish Translation in the Public Sector	79
2.3.4. Parallel Text Analysis	80
2.3.5. Assembly of the Corpus	81
2.3.6. Terms chosen for analysis and rationale	83
CHAPTER THREE.....	86
Corpus Analysis	86
3.1. Background to Corpus Analysis.....	86
3.1.1. Methodology of analysis	86
3.1.2. The Irish Legal System	87
3.1.3. Legal Terminology Sources	88
3.1.4. Irish- English / English- Irish Dictionaries to be used in Analysis	90
3.2. Analysis of legal terms.....	103
3.2.1. Doubt.....	103
3.2.2. Prevention/ Obstruction/ Prohibition/ Inhibition	121
3.2.3. Theft/ Stealing/ Larceny	145
3.2.4. Legal/Lawful	167
CONCLUSION	194
BIBLIOGRAPHY	213
APPENDIX.....	239

ABBREVIATIONS

ACS: *An Claidheamh Soluis*

CT: *Coiste Téarmaíochta*

EID: De Bhaldraithe's English-Irish Dictionary

EN: English (language)

FGB: Foclóir Gaeilge-Béarla (Ó Dónaill)

GA: Gaeilge (Irish language)

IATE: Interactive Terminology for Europe

LSP: Language for Specific Purposes

OED: Oxford English Dictionary

Rannóg: Rannóg an Aistriúcháin

SL: Source Language

ST: Source Text

TD: *Téarmaí Dlí*

TL: Target Language

TT: Target Text

NOTE: All translations are my own, unless otherwise stated

Introduction

INTRODUCTION

‘Tá Rannóg an Aistriúcháin ag saothrú léi ó bunaíodh an stát agus an uile chineál téacs á aistriú aici, ach ní dhearnadh aon scrúdú ar an dóigh ar éirigh léi laigi agus easnaimh na teanga a chur in oiriúint do riachtanais an aistriúcháin’¹

(Ó Ruairc, 1997: 11)

Translation in the Republic of Ireland has been integral to the educational, administrative, and legal activities of the State since its establishment in 1922, and has played a central role particularly in the revival of Irish as a modern, European language. Despite this, there has been a dearth of academic enquiry as to English-Irish non-literary translation – particularly in the field of legal translation. As the arm of Government responsible since the establishment of the Irish Free State for producing official English-Irish translations of the Acts of the Oireachtas, little is known or has been written about *Rannóg an Aistriúcháin* practices or methodological approaches to translation. The *Rannóg* adopted the Irish language at a point at which it had been long absent from official State business, and ill-equipped to be implemented in the new modern domains in which it was now being employed – not least in the field of law. Aside from standardisation of the language, in order for *Rannóg an Aistriúcháin* to translate legislation into Irish, it faced the challenge of developing a legal language in Irish, particularly as regards implementing legal terminology. In the earlier years of the State, this required the coining of new terms, the standardisation of existing terminology, and differentiating between synonymous terms², yet how exactly the *Rannóg* set about this work has remained largely unconsidered in academic enquiry until the present study. The primary research aims pertaining to the current study are twofold: firstly, to assess the efficacy and consistency of the translation strategies and Irish legal terms employed by *Rannóg an Aistriúcháin*; and secondly, to investigate how modern translation theory –

¹ ‘*Rannóg an Aistriúcháin* have been toiling since the foundation of the state translating all manner of texts, yet how they set about tailoring the language’s weaknesses and inadequacies to the requirements of translation has yet to be explored’ – Ó Ruairc, 1997: 11.

² See Ní Ghearáin, 2007: 30.

specifically equivalence theory – may be applied to English-Irish legal translation as a whole. In order to answer these research questions, the present study establishes a domain-specific corpus of English-Irish translated legislative material dating from the period 1922-1937 – a period bookended by the establishment of the Irish Free State and the enforcement of *Bunreacht na hÉireann* (the Constitution of Ireland), 1937. The primary justification behind the selection of this period of fifteen years is the wish to investigate early translation and terminological activity upon the establishment of *Saorstát Éireann* in 1922. A second consideration was that the only critical assessment of EN-GA legal translation to date is that of Micheál Ó Cearúil's study of the 1937 Constitution, *Bunreacht na hÉireann: A Study of the Irish Text*³, meaning that specific investigation as to legal translation in the Republic of Ireland prior to 1937 has thus far been omitted from academic enquiry. Furthermore, as *Rannóg an Aistriúcháin* was not responsible for the translation of the 1937 Constitution, their English-Irish translated legislative material has therefore never been qualitatively assessed.

The development of this research topic stems from a personal interest and academic background in Irish language translation studies and Law; two areas which formed the basis of my university education and working life until this point. Beginning my third level studies in 2007, the year in which the Irish language attained its long sought after status as an official working language of the European Union, led me to consider the importance of establishing how such contemporary developments in the status of the language may impact upon legal translation. A similar elevation in official status was afforded to Irish in Article 4 of *Bunreacht Saorstát Éireann* (the Constitution of the Irish Free State) 1922, which stated that the Irish language was the 'National language of the Irish Free State'⁴. Further provisions were made for the status of the language in the revised 1937 Constitution of Ireland, Article 8 of which provided that:

‘The Irish language as the national language is the first official language

³ Ó Cearúil, 1999.

⁴ The term ‘national language’ was defined by De Valera as ‘the language which is most associated with this nation; the language that is in accordance with the traditions of our people’ (Ó Máille, 1990: 4).

The English language is recognised as the second official language’

Furthermore, Article 25.4.6° provided that,

‘In case of conflict between the texts of a law enrolled under this section in both the official languages, the text in the national language shall prevail.’

In other words, should an English language legislative text in the Republic of Ireland deviate in any way from its Irish language counterpart, it is the latter which has the upper hand. This is of particular interest as regards the current study, as while it is the English language documents which provide the source language vocabulary, grammar, and register of the legislative material, legal precedence is given to the manipulation thereof into the target language, Irish.⁵

The period of study similarly mirrors and impacts upon the present day, as regards the substantial growth and development of legal material and terminology in Irish on an international basis, and the current push to end the derogation phase of full implementation of Irish as an official working language of the European Union by 2022. While Irish is currently one of the EU’s 24 official languages, it has thus far existed in administrative limbo, having been placed under a legal ‘derogation’. The implications of this have been that European institutions have not, so far, been obliged to provide full translation or interpretation services, as it does with the other 23 official languages. Translation is only mandatory when it comes to co-decisions made by the European Parliament and the European Council, however, the European Council announced on 3 December 2015 that it would draft a Regulation that would increase the number of areas in which Irish translation is required, with an aim of ending the derogation phase completely by 1 January 2022. One major practical implication of full implementation of this status in the EU is that EN-GA legal translation will see a surge in the next five to ten years in a manner echoing that of the early years of the Irish Free State. As such, an assessment of the legal terminology employed in Irish language legislation during this period will be not only timely, but of great importance as regards safeguarding the quality of legal

⁵ While during the period of study, 1922-1937, the Irish versions of the legal texts were, in fact, translations - only becoming the ‘precedent’ texts after 1937 - this legal provision made in the 1937 Constitution is retrospective, and thus incorporates those laws enacted prior to the enactment of *Bunreacht na hÉireann* in 1937.

translation into Irish on a European level when it acquires full working EU status a century after the foundation of the Free State and, as such, exactly a century after many of these terms were first employed in a legal domain.

The area of academic enquiry to which this work pertains, therefore, is interdisciplinary – relating at once to Irish language, translation studies, terminology, and law. Several studies exist regarding the behaviours of translators of English-Irish texts and, to a somewhat lesser extent, to the impact of translation in Ireland as a whole. Such studies, however, relate more specifically to providing a practical basis in and guideline as to English-Irish translation (Mac Lochlainn, 2000; 2010: Ó Ruairc, 1996; 1997; 1999; 2007) or to assessing the implications of translation in Ireland in various domains such as film, ecology, and digitality (Cronin, 1996; 2000; 2002; 2005; 2006; 2009; 2013; 2017). Among the most prolific authors to write on the practicalities of English-Irish translation are Antain Mac Lochlainn and Maolmhaodhóg Ó Ruairc, both of whom have written guides for Irish language translators and editors, drawing upon their own practical experiences and addressing those terminological, grammatical, and syntactical issues which are particular to EN-GA translation. While *In Ord is in Eagar* (Cois Life, 2010) focuses more particularly on aspects of copy-editing as opposed to translation *per se*, in *Cuir Gaeilge Air* (Cois Life: 2000), Mac Lochlainn provides a short, practical course in translation into Irish, stating (*ibid*: 1) that the aim of the book is ‘to help those who wish to learn the craft of translation’⁶ and, to this end, the author provides direction as to how best to navigate issues such as the translation of place names, proper nouns, dialects, and texts such as literary and informational material. Reference is made, albeit briefly, to issues of register, and Mac Lochlainn also provides a brief section on translating legal material, where he alludes to terminological shortcomings in TD, EID and FGB (*ibid*: 68), before concluding that ‘it is a matter of contention, but not one for the average translator to resolve.’⁷ Referring to previous work in the field of English-Irish translation, Mac Lochlainn references Ó Ruairc, stating (*ibid*: 1) that ‘I do not wish to reiterate what he has said in *Aistrigh go Gaeilge* (Cois Life, 1997) and in *Dúchas na Gaeilge* (Cois Life, 1996) and, for that reason, I have written little on the

⁶ ‘Is é cuspóir an leabhair seo cuidiú le daoine atá ag iarraidh ceird an aistriúcháin a fhoghlaim’.

⁷ ‘Scéal achrannach atá ann ach ní hé an gnáthaistritheoir a chaithfidh é a réiteach’.

semantic and structural differences between Irish and English’⁸. Indeed, such areas of enquiry are dealt with in a comprehensive manner by Ó Ruairc, not only in the aforementioned publications, but similarly in *I dTreo Teanga Nua* (Cois Life, 1999) and *Aistrigh leat* (Cois Life, 2007). While the primary function of Ó Ruairc’s earliest work, *Dúchas na Gaeilge* (Cois Life, 1996), was to provide an insight as to the fundamental differences between Irish and English and to highlight the nuances of Irish in order to educate the would-be translator, the publication makes sporadic reference to the work of *Rannóg an Aistriúcháin*, noting that ‘a significant infrastructure of legal terms has been laid down over the years by the *Dáil* Translation Section’ (*ibid*: 38)⁹ and describing their work as the ‘basis and development of formal language’¹⁰ (*ibid*: 25). *Aistrigh go Gaeilge* (Cois Life, 1997), like Mac Lochlainn’s *Cuir Gaeilge Air*, is practical handbook for English-Irish translators, with due consideration given to the varying types of translation, as is discussed with examples and salient references. Two sections in particular pertain to technical terminology and legal translation – ‘*Aistriúchán Teicniúil agus Téarmaíocht*’¹¹ and ‘*Téacsanna Dlí a Aistriú*’¹² respectively. As regards *Rannóg an Aistriúcháin* in particular, Ó Ruairc (1997: 21) derides the fact that the Translation Section did not share their terminology¹³, and highlights (*ibid*: 94) the fact that ‘the accuracy or meaning of any texts translated by *Rannóg an Aistriúcháin* have never been questioned beyond that which has been done in the last thirty years in Brussels’¹⁴ – an issue which it is hoped will be addressed to some extent in the

⁸ ‘Ní mian liom dul siar ar ar dhúirt seisean in *Aistrigh go Gaeilge* (1997) agus in *Dúchas na Gaeilge* (1996) agus, ar an ábhar sin, is beag atá scríofa agam faoi na héagsúlachtaí séimeantaice agus struchtúir idir an Ghaeilge agus an Béarla’.

⁹ ‘*tá bonneagar suntasach de théarmaí dlí leagtha thar na blianta ag Rannóg an Aistriúcháin sa Dáil*’.

¹⁰ ‘*ba é bunú agus forbairt na teanga foirmiúla in obair Rannóg an Aistriúcháin*’.

¹¹ ‘Technical Translation and Terminology’.

¹² ‘Translating Legal Texts’.

¹³ This point, while still valid to a large extent, is no longer strictly the case given the cooperation between *Rannóg an Aistriúcháin* and Fiontar since the inception of the GA IATE project, which is further discussed in Chapter Two.

¹⁴ ‘*Níor cuireadh ceist riamh faoi chruinneas ná faoi chiall aon téacs a aistríodh i Rannóg an Aistriúcháin thar mar ar cuireadh le triochoa bliain anuas faoi na haistriúcháin atá arna ndéanamh sa*

current study. Ó Ruairc's final work in his trilogy analysing and critically assessing the issues currently confronting the development of Irish, *I dTreó Teanga Nua* (1999), makes scant reference to translation, and particularly to legal translation. With a focus primarily on issues such as grammar and the decline of the language, the publication has a section on 'problems with basic terminology'¹⁵ but, again, this is not specific to legal terminology. In his most recent publication, *Aistrigh Leat* (2007), Ó Ruairc presents the current landscape of English-Irish translation by giving an overview of the theoretical background, historical development, and resources pertaining to this type of work, and providing numerous practical examples as a guide. Regarding the prevalent state of Irish language legal terminology, Ó Ruairc references the lack of sources of GA legal terms, and laments in particular the lack of modernisation of TD (*ibid*: 22 and 52). Referring to the work of *Rannóg an Aistriúcháin* specifically, he notes (*ibid*: 14) that 'legislation has been translated into Irish in the *Dáil* since the establishment of the State. But there has been no controversy regarding any translations prepared, nor has it ever been shown that anyone has been reading those legal documents.'¹⁶ This point is of particular consequence as regards the current study, given the primary status afforded to the Irish language versions of legislative texts in the Republic of Ireland in Article 25.4.6° of *Bunreacht na hÉireann*, as it is suggested that the efficacy of the Irish language legal texts has never been examined.

Among those other scholars to deal with matters of translation in Ireland is Michael Cronin, most particularly in his 1996 publication *Translating Ireland*, in which he examines the activity of translators and the role of translation in Ireland as 'a weapon of political propaganda, an agent of linguistic reform, and a catalyst for cultural renewal.'¹⁷ In relation to these, Cronin charts the role and impact of *Rannóg an Aistriúcháin*'s work on standardisation of the language, highlighting that:

Bhrúiséal' – Brussels, in this case, alludes to the work of EU translators, and Ó Ruairc is a former member of the translation service of the Council of Ministers of the European Union.

¹⁵ 'Fadhanna leis an mbuntéarmaíocht' - Ó Ruairc, 1999: 197.

¹⁶ 'Tá an reachtaíocht á haistriú go Gaeilge sa *Dáil* ó bunaíodh an Stát. Ach níor tharla aon chonspóid de bharr aistriúcháin a rinneadh nó níor tugadh le tuiscint riamh go raibh na cáipéisí dli sin á léamh ag éinne'.

¹⁷ Cronin, 1996: back cover.

‘The promoters of a minority language that acceded to the status of an official or national language can find themselves using a degree of accelerated interventionism that is concealed by more gradual and long term changes in major languages. The continual translation demands on the Irish language in the *Rannóg* and elsewhere meant that common standards and guidelines [...] had to be established.’

Such interventionism as regards the language has been assessed in terms of the creation of an orthographical and grammatical standard, yet the production of a legal terminology, as previously highlighted, has been largely omitted from scholarly investigation, aside from what has been discussed in Ó Cearúil’s assessment of the 1937 Constitution, and more cursorily alluded to by Ó Ruairc above.

Irish language terminology as a specific area of academic enquiry is one which has received much more attention in recent years, and particularly since the elevated status of the language in the European Union in 2007. Among the most renowned Irish language terminologists is Fidelma Ní Ghallchobhair, a former President of the Board of the European Association for Terminology with a wealth of experience editing dictionaries and terminological resources compiled during her twenty years working with *An Coiste Téarmaíochta*¹⁸. Ní Ghallchobhair’s *Ár dTearmaí Féin* (Cois Life, 2014)¹⁹ traces the history and development of Irish language terminology until the present day, focusing on the motives behind the push for a modern Irish language terminology and the practicalities of everyday terminological work in Irish, and places the principles behind this work in an international context²⁰. As with Cronin, the work of *Rannóg an Aistriúcháin* is referenced primarily as regards standardisation, though in a section titled ‘Legislative Terminology’²¹, Ní

¹⁸ The Irish language ‘Terminology Committee’. The work of *An Coiste Téarmaíochta* is discussed further in Chapter One.

¹⁹ Another publication, Conchúr Mag Eacháin’s *Téarmaíocht Ghaeilge na hAthbheochana* (Cois Life, 2014), gives an in-depth account of Irish-language terminology during the revival period, up until 1927. While it is an excellent resource as regards analysing the terminological work carried out during this period, scant reference is made to the work of *Rannóg an Aistriúcháin* or to legal terminology in particular and, as such, it has been omitted from the above discussion.

²⁰ ‘Cuirfear scéal na Gaeilge i gcomhthéacs obair na téarmeolaíochta thar lear, go háirithe ar mhórróinn na hEorpa’ - Ní Ghallchobhair, 2014: xi.

²¹ *Téarmaíocht na Reachtaíochta* - Ní Ghallchobhair, 2014: 102.

Ghallchobhair (2014: 102) references the methods developed by the *Rannóg* in their translation work:

‘Models were established in legislation as regards terminology and phraseology. These models are called ‘precedents’, that is, the term or phrase which is first employed in a legislative document and which should be adhered to in other legislative documents there on in. For that reason, there are many terms employed in legislation which are not commonly heard in speech, or which are archaic or outdated.’²²

While references made to EN-GA legal translation and terminology in the aforementioned sources are brief, Mac Lochlainn, Ó Ruairc, and Ní Ghallchobhair raise salient points and pose pressing questions as to the availability, dissemination, and efficacy of legal terminology in Irish. While such points are not built upon and no effort made to postulate a resolution to such issues, it is evident that issues exist in this area of language planning in Irish. Further research on the issue of Irish language terminology planning has been carried out by scholars such as Ní Ghearáin (2007; 2008; 2011), Bhreathnach (2006; 2007; 2008; 2010; 2011), and Nic Pháidín (2004; 2006; 2008; 2010). While Ní Ghearáin’s published work has thus far focused primarily on the relationship between the Irish language community in the Gaeltacht and institutionalized Irish terminology development, both Bhreathnach and Nic Pháidín have, in the last decade, expanded their terminological research to incorporate matters pertaining to EN-GA terminology in a legal domain. Their article ‘Téarmaíocht na Gaeilge: turgnamh in vitro’ (2008) traces terminological work in Ireland until the time of publication and, as with our other sources, primarily discusses the work of *Rannóg an Aistriúcháin* as regards the creation of the Official Standard. On the subject of terminology in more recent years, however, the authors state (2008: 11) that ‘responsibility for the Standard was left with *Rannóg an Aistriúcháin*, and lexicographical and Terminological responsibility with *Foras na*

²² ‘Leagadh síos múnlaí sa reachtaíocht maidir le téarmaíocht agus le frásaíocht. Tugtar ‘fásaigh’ ar na múnlaí seo, is é sin, an téarma nó an frása a mbaintear leas as den chéad uair i gcáipéis reachtaíochta agus ar chóir cloí leis i gcáipéisí reachtúla eile as sin amach. Ar an gcúis sin, bíonn roinnt téarmaí in úsáid i reachtaíocht nach gcoitianta sa chaint, nó atá ársa nó imithe as úsáid.’

Gaeilge. There is a need for coordination in these areas’.²³ While *Rannóg an Aistriúcháin* is not a terminological body, *per se*, its role in the creation and dissemination of Irish language legal terminology, and the official legal status afforded to that same terminology, would suggest that its role is distinct from that of *Foras na Gaeilge* is one to be considered, as Bhreathnach and Nic Pháidín emphasize. In the same article, in section 4.2.1. ‘Law and Administration’²⁴, Bhreathnach and Nic Pháidín allude to *Rannóg an Aistriúcháin*’s adherence to terminological precedent, and describe the creation of www.achtanna.ie²⁵ in 2004 as ‘a very important resource for the translator’²⁶ (*ibid*: 12), given its dual EN/GA language format of every Act enacted by the *Oireachtas* from 1922 until the present day. Public access to legal terminology coined and/or employed by *Rannóg an Aistriúcháin* has been facilitated to a large degree in more recent years by those in Fiontar, Dublin City University, which is similarly highlighted by Bhreathnach and Nic Pháidín (*ibid*):

‘a corpus of *Rannóg an Aistriúcháin* data was made available as an extra resource on www.focal.ie and Fiontar created a system for *Rannóg an Aistriúcháin* in order to update this material regularly. Translators make great use of this collection.’²⁷

This corpus referred to, now accessible via focal.ie’s successor, tearma.ie, gives an auxiliary glossary of legal terminology from *Rannóg an Aistriúcháin*, and also from *Téarmaí Dlí* (Oifig an tSoláthair, 1959), Leachlainn Ó Catháin’s *Focal sa Chúirt*

²³ ‘Fágadh cúram an Chaighdeáin ar *Rannóg an Aistriúcháin* agus cúram na foclóireachta agus na Téarmaíochta ar *Foras na Gaeilge*. Tá gá le comhordú idir na réimsí seo’.

²⁴ ‘*Dlí agus Riarachán*’ - Bhreathnach & Nic Pháidín, 2008: 12.

²⁵ An online database which contains the Acts of the *Oireachtas* in Irish and in English from 1922 until the present day. Irish and English language versions of Acts are linked together so that it is possible to move from a particular section in an Act in one language to the same section of the Act in the other language. Searches can also be carried out for words and phrases in the two languages. Some Irish language versions of Acts, particularly those passed 1993 to 1997 are not included in the database. Where an Irish language version is not available no link will appear in the English version.

²⁶ ‘is áis an-tábhachtach é seo don aistritheoir’.

²⁷ ‘cuireadh corpas sonraí *Rannóg an Aistriúcháin* ar fáil mar acmhainn bhreise ar www.focal.ie agus chruthaigh Fiontar córas do *Rannóg an Aistriúcháin* chun an t-ábhar seo a nuashonrú go rialta. Baineann aistritheoirí gairmiúla an-leas as an gnuasach seo’.

(Coiscéim, 2000), the *English-Irish Dictionary of Military and Related Terms*²⁸ (Defence Forces, 2007) and, in more recent years, terms supplied by Fiontar & Scoil na Gaeilge, Dublin City University, to the EU term database, IATE, and to translators in the Irish-language unit of the European Commission.

As regards the Irish language strand of IATE²⁹ - the European Union's inter-institutional terminology database - the authors state (2008: 13) that:

‘The amount of Irish language terms (13,427) in the EU terminological database, IATE, is greatly lacking [...] Fiontar, DCU, has made arrangements to increase the amount of Irish words in this database on a continuous basis’³⁰

Regarding the more recent developments of this endeavour, Bhreathnach and Nic Pháidín, along with Fionnuala Cloke, have published *Terminology for the European Union: The Irish Experience. The GA IATE Project* (Cló Iar-Chonnacht, 2013), which details and qualitatively assesses the Irish language IATE project, a collaborative initiative between the Irish government and EU institutions established in 2007 in order to ensure a sufficient supply of Irish language terminology for translation requirements arising from the language gaining official status in the EU, and in anticipation of the end of the derogation phase of full implementation of this status in 2022. Upon the commencement of the work in 2008, and the publication of *Terminology for the European Union* in 2013, the amount of Irish language terms in the GA IATE database increased from 13,427 to 55,000, although a large number of terminological duplicates remain; a hangover from when each European institution had their own database.³¹ This work on the GA IATE project, providing Irish language legal terminology for the European institutions, is the first strand of the overall LEX project; the second strand of which involves the development of legal terminology and corpus-based resources in Irish. One output of this project is the

²⁸ It is noted on the tearma.ie website that ‘Minor editorial amendments were made to this material, in alignment with the auxiliary glossary. These terms do not form part of the Foras na Gaeilge validation system for terminology’.

²⁹ The ‘InterActive Terminology for Europe’.

³⁰ ‘Tá móreasnamh ar líon na dtéarmaí Gaeilge (13, 427) i mbunachar téarmaíochta an AE, IATE [...] Tá socruithe déanta anois le Fiontar, DCU, líon na dtéarmaí Gaeilge sa bhunachar seo a mhéadú go leanúnach’.

³¹ Further information as regards the IATE project can be found in the Introduction.=

parallel corpus of aligned legislative texts on the tearma.ie sister website gaois.ie, accessible via www.gaois.ie/en/paradocs/. The parallel corpus has a search facility which can be used to find largely legal terms and phrases, and contains c.14 million words with further material added regularly. The primary aim of this strand is to make legal terminology available to the public, along with other legislation-related resources. In order to carry out this task, the project has been broken down into a series of phases in which legal terms were collected and processed from various sources. This is described on the gaois.ie³² website as follows:

‘During Phase I of the project (2009–2010), the Irish-language versions of Statutory Instruments from the years 1976–1981 as well as the District Court Rules (SI No. 93 of 1997) and Circuit Court Rules (SI No. 510 of 2001) were made available electronically. The English-language versions were already available at irishstatutebook.ie and the Irish-language versions of the Court Rules were available at courts.ie. The texts were aligned to create a translation memory and a parallel corpus (www.gaois.ie/crp/en/) and terms for publication on tearma.ie were extracted.

During Phase II (2011–12) and Phase III (2013–14), research was continued on the extracted terms. The Department of Arts, Heritage and the Gaeltacht, in partnership with Houses of the Oireachtas Service and the Department of Justice, Equality and Law Reform, established the Committee for Terms from Statutory Instruments in early 2012. This Committee examined and approved terms relating to legal concepts from the aforementioned Statutory Instruments.’

Currently on Phase IV of this project, those at gaois.ie have also uploaded terms from *Téarmaí Dlí* and *Focal sa Chúirt*³³ to the database, and have a disclaimer on the gaois.ie website regarding statutory instruments and European legislation, stating that ‘this site is provided to the public as a language resource only and not as an authoritative legal resource’ and that ‘the user is responsible for consulting the original source as appropriate’. The database also contains a number of terms and sentences from the database of *Rannóg an Aistriúcháin* which is, according to the

³² Accessible via <https://www.gaois.ie/info/en/lex/>.

³³ Regarding *Focal sa Chúirt*, it is stated on the gaois.ie website that ‘minor amendments were made to prepare it for the database’.

gaois.ie website, ‘administered by the Translation Section and is updated regularly’. Describing this work in *Irish-Language Terms for Legal Translation: Lexicon Extraction from a Parallel Legal Corpus* (Fiontar: 2010), Cloke and Ó Cleircín outline potential development and research emanating from this strand of the LEX project, and specifically state (*ibid*: 8) that ‘Another considerable source of valuable Irish-language terms could be the translated primary legislation or Acts of the Irish Parliament’ – such as those in the corpus of translated legislative material analysed in Chapter Three. It is in this practical and academic landscape of legal translation and terminology, therefore, that I set about the current study.

As highlighted above, the primary aims of this research are to assess the efficacy and consistency of the translation strategies and Irish legal terms employed by *Rannóg an Aistriúcháin*, and to investigate how modern translation theory – specifically equivalence theory – may be applied to English-Irish legal translation as a whole. In order to do so, I will place *Rannóg an Aistriúcháin* in its historical and linguistic context in Chapter One, and discuss and analyse the prevalent state of the Irish language and *Rannóg*’s role in the early operational dynamics of the Irish Free State, particularly in the creation of an orthographical and grammatical standard. I will also give an outline as to the role and linguistics of terminology, with a particular emphasis on the history and development of Irish language and legal terminology. In Chapter Two I will provide the theoretical framework in which the English-Irish translated legislative material in the corpus will be assessed, with a particular focus on Equivalence theory. I will outline the formulation of Equivalence theory and its varying interpretations in the context of legal translation. Legal translation as a specific area of academic enquiry and within the umbrella term of Language for Specific Purposes (LSP) will similarly be explained, with a nod to its application within *Skopos* ‘functional’ translation theory. Finally, I will outline the approach to the comparative linguistic analysis, summarising and describing the methodological cues taken from Ó Cearúil (1999), Dorins (2012), and Żrałka (2007). Finally, I will elucidate the reader as to the compiling of the corpus and offer a justification for the legal terminology chosen for analysis. In Chapter Three, the analytical chapter, I will firstly outline the legal and lexicographical sources which will be employed in the analysis, which focuses on a comparative linguistic analysis of ten legal terms. I will specify the given legal term in English, followed by its given Irish language

equivalent and number of occurrences in the corpus. The terms will be defined firstly in their general sense, and then within a legal sphere in order that the semantics of the terminology in various domains may be assessed. I will employ three sources of EN-GA legal terminology, *Téarmaí Dlí*, *an Foclóir Dubh*, and *Focal sa Chúirt* to ascertain the given Irish language term employed in each. I will then make use of six EN-GA and GA-EN dictionaries³⁴ to discern the semantic range of the legal term both in English and Irish, and to assess how often the chosen term in the corpus is to be found in the dictionaries, as well as if any other terms are a regular feature. I will then compare the semantic range of those terms with the legal definition of the English term we began with, in order to ascertain which is the best fit in a legal domain. From there, the corpus will be used as a vehicle to investigate how the English legal terms have been rendered in Irish, and vice versa, and to ascertain whether or not the terms employed are not only consistent with their legal definition, but if they are employed consistently throughout the corpus. I will then make a comparison with how the same terms have been employed in European legislation, in order that an assessment of Irish language legal terminological consistency and efficacy can be made not only on a national, but international level. It is hoped that through this analysis, conclusions may be drawn as to *Rannóg an Aistriúcháin*'s role in English-Irish legal translation and terminology; as to the reliability of Irish language legal terminology in primary legislation from this period; how the corpus may be used as a vehicle to assess how Equivalence theory may be applied to EN-GA legal translation as a whole; and a basis established for future endeavours in English-Irish legal translation and terminology.

³⁴ English-Irish Dictionaries: Foley (1855), O'Neill- Lane's 1904, Lambert McKenna (1935), de Bhaldraithe (1959). Irish-English Dictionaries: Dinneen (1927) and Ó Dónaill (1977).

Chapter One

Historical & Linguistic Background

CHAPTER ONE

Historical & Linguistic Background

1.1. Historical Context

The 19th Century was one of a series of blows to the Irish language, the detrimental effects of colonization, Anglicisation, famine, and emigration causing it to have retreated from its position as the everyday language of the majority of the country, with more than 99% of the population fluent in English, and 85% unable to communicate in their ‘native’ tongue by the year 1900 (Ó Riain, 1994: 6). At the end of the nineteenth century, Irish as a living language appeared to be fated to become extinct within a rather short period of time; the Irish language movement established in the final quarter of the century, however, ensured that this did not happen. Late nineteenth-century Ireland saw a surge in interest in cultural practices that were closely defined with the idea of nationhood, and at the heart of this surge in cultural nationalism was the drive to promote Gaelic culture as distinct from its English influences, as Tymoczko and Ireland (2003: 10) describe:

‘Because of the political values of culture and heritage, during the nineteenth century cultural identities hardened and even became oppositional. In part a function of European colonialism and enforced cultural dominance, cultural difference became politicized and entered into issues pertaining to power politics. To be Irish was in many ways not to be English.’

A central component of the Gaelic revival was the push for revival of the Irish language, with the language being viewed as an essential element in defining and identifying what it meant to be truly Irish, and holding the key to the nation’s collective memory and native worldview³⁵. The role of the language in distinguishing Irish nationhood from that of the British was highlighted in Douglas Hyde’s key 1892 address to the Irish National Literary Society titled, ‘The Necessity for De-Anglicising Ireland’. Here Hyde, lamenting the ‘illogical position of men who drop their own language to speak English... and know nothing about Gaelic

³⁵ See Denvir, 1997: 47.

literature, nevertheless protesting as a matter of sentiment that they hate the country which at every hand's turn they rush to imitate', called on the Irish to differentiate themselves culturally from the English, highlighting the central role of the language in such an endeavour:

'I have no hesitation at all in saying that every Irish-feeling Irishman, who hates the reproach of West-Britonism, should set himself to encourage the efforts which are being made to keep alive our once great national tongue. The losing of it is our greatest blow, and the sorest stroke that the rapid Anglicisation of Ireland has inflicted upon us. In order to de-Anglicise ourselves we must at once arrest the decay of the language.'

So pervasive and powerful was this movement and this address that it led to the establishment of *Conradh na Gaeilge* (the Gaelic League) a year later in 1893, with Hyde as President. The League successfully grasped the attention of the greater Irish public in a way that previous groups had failed in doing so, with Hutchinson (1987: 115) arguing that cultural nationalism 'remained the vision of scattered poets, historians and folklorists until the 1890s, when cultural nationalism crystallized to form the Gaelic League'. *Conradh na Gaeilge's* aims were twofold: 1. The Preservation of Irish as the national language of Ireland and the extension of its use as a spoken tongue, and 2. The study and publication of existing Irish literature and the cultivation of a modern literature in Irish. Ó Cadhain described the establishment of the League as beginning a revolution³⁶ - a sentiment reiterated by Ó Buachalla³⁷:

'Under the direction of Douglas Hyde and Eoin Mac Néill, the League accomplished something special, not only as regards teaching Irish and using it as the language of literature, but also as regards its status in the education system and public sector. Of course, the League played a central role in the

³⁶ See Ó Cadhain, 1972: 52-62.

³⁷ See Uí Chollatáin, 2004: 15 – 'Faoi stiúir Dhubhghlais de Híde agus Eoin Mhic Néill rinne an Conradh gaisce ar leith, ní hamháin maidir leis an nGaeilge féin a mhúineadh, í a úsáid mar theanga litríochta ach freisin maidir lena stádas sa chóras oideachais agus sa chóras poiblí. Dár ndóigh, bhí tionchar lárnach ag an gConradh ar fhorbairt ghluaiseacht an neamhspleáchais- dar leis an bPiarsach, gurb é lá bunaithe an Chonartha an lá ar thosaigh an Réabhlóid.'

development of the movement for independence – according to Pearse, the day the League was established was the start of the revolution.’

Indeed, it is not purely coincidental that there was a mere thirty years between the establishment of the Gaelic League and the setting up of the Free State, as the driving force of cultural nationalism with the League at its heart as regards the language ‘provided the nation with a sovereign state’ (Corkery, 1954: 128). The fear of loss of the Irish language³⁸ – and, by extension, of the Irish cultural heritage and identity – as articulated by Hyde was a driving force not only behind the Gaelic League, but behind the new Irish State established in 1922. As Ó Tuathaigh (2008: 28) describes:

‘The new independent Irish state was determined from the outset to assert the distinctiveness of Irish cultural identity, and for a key cohort of the political leadership of the new Free State, the Irish language was the corner-stone of that cultural identity: they had ‘been to school’ at the Gaelic League.’

The key components of the language policy adopted by the new state were as follows; the maintenance of the Irish-speaking community of the Gaeltacht; the promotion/revival of Irish in the overwhelmingly English-speaking country at large; ensuring basic competence in Irish from those working in the public service, and standardizing and modernizing the language itself. *Conradh na Gaeilge*’s primary aim in the context of the new ‘Free’ State was the status of the language, and the overall objective that the Irish language would be the official language of Ireland (Uí Chollatáin, 2004: 181), which was achieved through *Bunreacht Shaorstáit Éireann* (the Constitution of the Irish Free State) in 1922.³⁹ The significance of this official status and the importance of the language were addressed in a letter from Liam Mac Cosgair to the Chairperson of the Gaeltacht Commission, dated 4 March 1925:

³⁸ This was articulated in a letter from the Gaelic League addressed to ‘the Irish in America’ in 1905, stating that when the League was founded, Irish culture was in such a dire state that the ancient Irish nation was rapidly degenerating into a West British province, or rather an English shire, and that it would be only a matter of time before Ireland would be referred to as ‘Irelandshire’ - Gaelic League (Ireland), A letter to the Irish of America from the Executive Committee, Dublin, 1905, p. 2, Special Collections Library, Queen’s University Belfast.

³⁹ Article 4 of which states that, ‘The National language of the Irish Free State (Saorstát Éireann) is the Irish language, but the English language shall be equally recognised as an official language.’

‘In the Constitution of the Irish Free State, the Irish language is recognised as the national language. An important part of the national policy which emanated from establishing a state with plenipotentiary powers in Ireland was to preserve and develop that language. The responsibility for that policy lies with education and with the Irish Free State Government.’⁴⁰

An essential means of strengthening the language in its position as the official language of the country and, ironically, of weakening links to England, was through translation from the English – a ‘means of building up national culture’ (Cronin, 1996: 159). As Ó Riagáin (2008: 155) has it, ‘the ultimate objective of Ireland’s Irish language policy... [was] the establishment of a bilingual state’, and it was in pursuit of this agenda that *Rannóg an Aistriúcháin* was first conceived.

1.2. *Rannóg an Aistriúcháin*: People and Method

1.2.1. Establishing the Translation Section

On January 21st 1919, Mansion House, Dublin, the meeting of the first *Dáil*- the unicameral parliament of the revolutionary Irish Republic- took place, with candidates elected in the 1918 Westminster elections who refused to recognise the Parliament of the United Kingdom establishing an independent legislature. The *lingua operandi* of the first day was Irish⁴¹ and, as Séamas Daltún (1983: 13) recounts, ‘...it was particularly interesting in that it was established that day that it was within the capacity of the Irish language to discuss political matters and to fulfil parliamentary activities ‘without foreign assistance.’’⁴² Cathal Brugha, having been nominated as *Ceann Comhairle* (speaker) for the day, described the work that

⁴⁰ ‘*I mBunrecht Shaorstáit Éireann admhaítear go soiléir gurb í an Ghaeilge an teanga náisiúnta. Ba chuid tábhachtach riamh den pholasaí náisiúnta as a dtáinig stát lán-chomhachtach do bhunú in Éirinn an teanga san a choimeád suas agus a shaothrú. Is ar oideachas agus ar Rialtas Shaorstáit Éireann atá cúram an pholasaí sin*’.

⁴¹ Aside from translations which were read out in French and English, in that order. The Constitution of *Dáil Éireann* was accepted in Irish only – See Ó Riain, 1994: 8.

⁴² ‘...ba rud speisiúil é gur cruthaíodh an lá sin go raibh sé d’acmhainn ag an nGaeilge cúrsaí polaitíochta a phlé agus gnóthaí parlaiminte a chur i gcrích ‘gan chabhair coigríche’.’ Here, Daltún reprises a quote from a couplet attributed to Geoffrey Keating; ‘*Milis an teanga an Ghaedhealg, Guth gan chabhair choigríche*’ (‘So sweet a language is Irish, A voice untainted by foreign aid’).

awaited the Dáil as ‘the most important task to be carried out in Ireland since the Gaeil arrived in Ireland’⁴³. Four clerks were then appointed for the day - Risteárd Ó Foghlú, Diarmaid Ó hÉigeartaigh, Seán Ó Núnáin and Pádraig Ó Síocháin – a group from which the Translation Section would later grow. The following day, those staff who were to be charged with processing parliamentary documents and keeping the official record of the proceedings of the Dáil, in Irish and in English, was established on a permanent basis, and Mícheál Ó Loingsigh duly appointed as Official Translator. While embryonic in form, this appointment instituted the translation service in the *Dáil*; the origins of the current *Oireachtas* (Irish Parliament) Translation Section – *Rannóg an Aistriúcháin*. It was upon the foundation of *Saorstát Éireann* (the Irish Free State) three years later, however, that the Translation Section was officially established by order of *Dáil Éireann* as the section of Parliament responsible for, among other things, the official translation into Irish of primary legislation. Thus *Rannóg an Aistriúcháin* - producers of ‘easily the most significant body of Irish translation in the history of the language’⁴⁴ - was born.

The establishment of *Rannóg an Aistriúcháin*, much like the establishment of *An Saorstát* itself, was a direct reflection of the nationalist ideologies prevalent at the time of the foundation of the State. This was a new era in the development of the Irish language. The role of Irish was changing and because the Irish people’s sense of pride was emerging with the development of the Irish nation, the widespread use of Irish in Ireland’s business was a basic element in the promotion of Gaelic culture. The revival of the Irish language was to the fore in the recreation of this ‘Irish’ Ireland under the new Government. A non-lingual translation of all aspects of Irish life ran parallel to *Rannóg an Aistriúcháin*’s legal translation work; the revival not only of the Gaelic language, but of a Gaelic nation. The linguistic realities of a newly established bilingual nation required state policy not only to promote bilingualism, but to *be* bilingual, and as such, in September 1922, a standing order of *Dáil Éireann* stipulated that the texts of all legislation be available in Irish and English. Translation was, therefore, a necessity in fulfilling such a stipulation, leading to the establishment of the Translation Section of *Dáil Éireann*, *Rannóg an Aistriúcháin* - a move described by Cronin (1996: 153) as ‘part of the commitment by the new Irish

⁴³ “*an obair is tábhachtaighe do rinneadh in Éirinn ón lá tháinig na Gaedhil go hÉirinn*”.

⁴⁴ Mac Lochlainn, 2007: 1.

Free State to the revival of the Irish language as the vernacular language of the Irish people’.

While the current *Oireachtas* personnel office does not currently hold any information regarding staff from 1922-1937⁴⁵, an article⁴⁶ written by Séamas Daltún, Chief Translator of *Rannóg an Aistriúcháin* from 1954-1972⁴⁷, has been particularly enlightening in providing some insight into Translation Section Staff during this period 1922-1937. Of note are the links held between many of the first Free State government translators with cultural nationalism and the fight for independence and, similarly, the impact of the Gaelic League on those who would become the architects of the new standard. Diarmuid Ó Súilleabháin was one of the first translators in *Rannóg an Aistriúcháin*, and one of many writers to work in the *Rannóg*⁴⁸, writing under the pen-name ‘Diarmuid Ó Duibhne’. He is also understood to have fought in the Easter Rising in 1916, having been a member of the Irish Republican Brotherhood and recruited by Michael Collins as information officer. Similarly, Micheál Ó Loingsigh - the first translator to work in *Rannóg an Aistriúcháin* - was a member of the Keating branch of Conradh na Gaeilge in Dublin, and was imprisoned for his part in the 1916 Easter Rising. Having been officially appointed as translator in the Houses of the Oireachtas in 1922, he was later appointed as chief translator in 1925 – a post he held until his death in 1942. Colm Ó Murchú was appointed

⁴⁵ ‘Maidir le foireann na Rannóige sna fichidí agus sna tríochaidí, tháinig an Oifig Pearsanra ar ais chugam... agus dúirt nach raibh teacht acu ar an eolas [sin]’ – ‘As regards the [Translation] Section staff in the twenties and thirties, the Personnel Office came back to me... and said that that information was not available’ - email correspondence with Vivian Uíbh Eachach, *Rannóg an Aistriúcháin*, dated 10/06/14.

⁴⁶ See Daltún, 1983: 12-17.

⁴⁷ Having previously held the posts of vice-Chief Translator 1945-1954, Senior Translator 1941-1945, and junior Translator 1931-1941.

⁴⁸ ‘Many people on the Translation Section staff were renowned in their capacity as Irish language writers, such as Donn Piatt, Diarmuid Ó Duibhne, Pádraig óg Ó Conaire, Tomás Tóibín, Máirtín Ó Cadhain, Seán Ó Lúing and others’ - ‘Is iomaí sin duine ar fhoireann Rannóg an Aistriúcháin a bhain cáil amach mar scríbhneoir Gaeilge, leithéidí Donn Piatt, Diarmuid Ó Duibhne, Pádraig óg Ó Conaire, Tomás Tóibín, Máirtín Ó Cadhain, Seán Ó Lúing agus daoine nach iad’ – Daltún, 1983: 23.

Assistant Secretary in the First *Dáil* in 1919 and Clerk of the *Dáil* in 1922 and, as such, it was his duty to ensure that official translations would be provided in Irish and English of all laws enacted in English or in Irish. Ó Murchú similarly held strong links to the fight for independence, having fought in the GPO in 1916 and, like Ó Loingsigh, being imprisoned in Frongoch for his part in the Rising. An active member of the Gaelic League and editor of various Gaelic League publications, he was honoured by the Irish Press upon his death in 1939 as ‘Ireland’s No. 1 Gaelic-speaking civil servant’, with de Valera describing him in the *Dáil* as ‘the directing mind behind the work of the Translation Staff of the Oireachtas’, who ‘achieved a remarkable success in adapting the language to modern usage and in particular to the extremely technical and difficult work of translating Acts of the Oireachtas and other legal and official documents into Irish’.⁴⁹ Liam Ó Rinn, having fought in 1916 as lieutenant, was imprisoned in Frongoch with Ó Murchú and Ó Loingsigh, and later in Ballykinler Camp County Down, where he translated ‘The Soldier’s Song’ to ‘Amhrán na bhFiann’. Having worked with the Gaelic League from 1907 to 1920, he was provisionally appointed as translator with *Rannóg an Aistriúcháin* on 15th January 1923, and made a permanent member of staff on 1st July 1923, becoming Chief Translator in 1942 before his death in 1943. Ó Rinn was then succeeded as Chief Translator by Tomás Page, having been employed as translator in *Rannóg an Aistriúcháin* since 1932 and, prior to this, as teacher in the Gaelic League. Page played a central role in the creation of the literary standard, and was responsible for the editions of *Litriú na Gaeilge—Lámhleabhar an Chaighdeáin Oifigiúil* published in 1945 and 1947. Writing about Page in *Feasta* in 1956, Daltún said that ‘Tomás gave much of the credit for his achievements to others; it is doubtless that it was not his talent alone for the work which brought it to a successful conclusion. The standardization of Irish spelling won him enduring fame.’⁵⁰

This standardisation work was one of *Rannóg an Aistriúcháin*’s primary undertakings in their capacity as ‘one of the earliest and, in linguistic terms, most important and potentially influential... branches of the new civil service’ (O’Leary,

⁴⁹ *Dáil Éireann Debate, Vol. 78 No. 10, Wednesday 3 January 1940.*

⁵⁰ ‘Thugadh Tomás cuid mhaith dá chreidiúint do dhaoine eile, ach níl aon amhras nach iad a éirimí féin le haghaidh na hoibre a thug críoch fhónta air. Thuill caighdeánú an litrithe cáil dó a mhairfidh go ceann i bhfad’ – Daltún, 1956: 9.

2004: 29-30). As legislation was drafted firstly in English, translation was a necessity in order to fulfil the status of Irish as the national language of the state. As Cronin (1996: 154) explains,

‘In a state where Irish monoglots were becoming increasingly rare, it was easy to be dismissive of the efforts made at official level to make the texts of laws passed by the state available in Irish, laws that were drafted and largely debated in English. However, such a criticism tends to conceal the enabling contribution that translation makes to the development of a national language.’

Such ‘criticism’ of the *Rannóg*’s work related primarily to their in-house creation of a literary, and later grammatical, standard which developed from ad-hoc conventions adhered to in an effort to reconcile the various dialect forms and avoid favouring a single dialect in its output. This was later officially adopted by the State as *Gramadach na Gaeilge agus Litriú na Gaeilge - An Caighdeán Oifigiúil*, the ‘Official Standard’.

1.2.2. *Rannóg an Aistriúcháin* and Irish language Terminology

It is pertinent, at this point, to provide an overview of what is known of *Rannóg an Aistriúcháin*’s methods as regards the execution of this terminological translation work. As a civil service entity and Government body, little is known about the inner-workings of *Rannóg an Aistriúcháin*. Ostensibly, it would appear that English-language acts go in, Irish-language translations come out, and the processes involved therein have been left largely unconsidered in academic enquiry until the present study. Furthermore, little primary source material exists as regards the official establishment of *Rannóg an Aistriúcháin*, nor does the Personnel Office of the *Oireachtas* hold any information as regards staff⁵¹. No drafts exist of translations since, as the current Chief Translator of *Rannóg an Aistriúcháin* Vivian Uíbh Eachach put it, ‘it appears that we in the [Translation] Section have forever been

⁵¹ ‘Maidir le foireann na Rannóige sna fichidí agus sna tríochaidí, tháinig an Oifig Pearsanra ar ais chugam... agus dúirt nach raibh teacht acu ar an eolas [sin]’ – ‘As regards the [Translation] Section staff in the twenties and thirties, the Personnel Office came back to me... and said that that information was not available’ - email correspondence with Vivian Uíbh Eachach, *Rannóg an Aistriúcháin*, dated 10/06/14.

focused on the final product and have never been in the habit of keeping any paper files other than the official translation itself.’⁵² Aside from what has been cursorily referred to by such academics as Ó Riain (1994), Ní Ghallchobhair (2014) and Mag Eacháin (2014)⁵³ in their overall respective investigations as to Language Planning and Terminology, little has been written about *Rannóg an Aistriúcháin* practices or methodological approaches to translation. Anne-Marie Dowling, current Assistant Chief Translator in *Rannóg an Aistriúcháin* has been particularly helpful in shining some light in this regard;

‘When *Rannóg an Aistriúcháin* was set up, the translators were dependent on whatever different books were in print at the time and on whatever Irish they had themselves. They would have discussions amongst themselves in order that the same practices would be followed as regards terms and phrases which were commonly used in legislation and they began to compile terminological lists. They would use those notes and the Acts which were already published in the same area (for example, if someone was working on a Financial Act, that person would consult Financial Acts which had been published in previous years in order to access precedents).

Eventually, the terminological lists grew and developed and they were assembled into four volumes (which were referred to as “the Four Masters”). There would have been two copies of those volumes available in the office and the translators would have been able to search for an English precedent and its Irish version and find the appropriate reference. Those books were used for many years for the [Translation] Section’s early precedents.’⁵⁴

⁵² ‘I dtaobh dréachtaí den obair a deineadh sa Rannóg chun tiontuíthe oifigiúla a sholáthar, is baolach gur ar an táirge críochnaitheach a bhíomar dírithe riamh sa Rannóg agus nach nós aon chomhad páipéir seachas an tiontú oifigiúil féin a choimeád’ – email correspondence with Vivian Uíbh Eachach, *Rannóg an Aistriúcháin*, dated 11/04/14.

⁵³ See Introduction.

⁵⁴ ‘Nuair a bunaíodh Rannóg an Aistriúcháin, bhíodh na haistritheoirí ag brath ar leabhair éagsúla a bhí i gcló ag an am agus ar a gcuid Gaeilge féin. Bhíodh plé ina measc le go leanfaí na nósanna céanna i gcás téarmaí agus abairtíní a bhíodh in úsáid go coitianta sa reachtaíocht agus cuireadh tús le liostaí téarmaíochta a chur le chéile. Ba nós leo leas a bhaint as na nótaí sin agus as na hAchtanna a foilsíodh sa réimse céanna (mar shampla, dá mbeadh duine ag obair ar Acht Airgeadais, rachadh an duine i muinín Achtanna Airgeadais a foilsíodh sna blianta roimhe sin chun teacht ar fhasaigh). De réir a chéile, d’fhás agus d’fhorbair na liostaí téarmaíochta agus cuireadh le chéile iad i gceithre

This information from Ms. Dowling has been of particular assistance in putting into context *An Foclóir Dubh*, a source found and made available electronically by the Oireachtas Library and Research Service for the purposes of this study. This glossary of English-Irish legal terms and their source references compiled in-house by *Rannóg an Aistriúcháin* appears to be a predecessor of the ‘Four Masters’, which were compiled late in the 1940s after *An Foclóir Dubh* had grown⁵⁵, and will be used alongside the lexicographical and legal sources outlined in the following chapter. As regards current methods employed by *Rannóg an Aistriúcháin*, Ms. Dowling describes the development of the terminological glossaries from the time of the ‘Four Masters’ until the current day as follows:

‘... terminological lists continued to be kept and, in the sixties, index cards were designed. The English language terms were on those cards in alphabetical order. The ‘Four Masters’ had followed the same approach though it was easier to add to the corpus [with the index cards]. This system was followed for many years. The index cards were electronically converted for an internal database maybe 15 years ago.

At the end of the nineties/beginning of this century, the office of the Attorney General began to electronically convert all the English language Acts and a legislative book was made available. This was in CD format at first and now there is www.irishstatutebook.ie. This made it much easier to access precedents and what was done was to search in the legislative book and each translator would have a set of bound volumes in order to find the Irish language precedent. At the beginning of the century, the Irish language Acts were collected and made available on www.achtanna.ie. That really helped to speed up the work.

imleabhar (ar a dtugtaí “na Ceithre Máistrí”). Bhíodh dhá chóip de na himleabhair sin ar fáil san oifig agus bhíodh na haistritheoirí in ann fasach Béarla a lorg agus an leagan Gaeilge agus an tagairt chuí a aimsiú. Bhí na leabhair sin in úsáid ar feadh na mblianta fada le haghaidh fhasaigh luatha na Rannóige.’ – email correspondence with Anne-Marie Dowling, *Rannóg an Aistriúcháin*, dated 25/05/15.

⁵⁵ *‘is é atá san Fhoclóir Dubh ná réamhtheachtaí na gCeithre Máistrí. De réir dealraimh, cuireadh na Ceithre Máistrí le chéile sna daichidí déanacha agus is dócha go raibh an Foclóir tar éis fás.’* – email correspondence with Anne-Marie Dowling, *Rannóg an Aistriúcháin*, dated 03/06/15.

Since 2005, we have been using a specially designed facility which is directly connected to the internal version of the site www.achtanna.ie. The precedents are searched in the Acts and the text is imported into the document after that. The Bills Office have associated software to process Bills and Acts. We have internal databases for the different translations that we are working on. Since the translation facility which we have at the minute is not suitable for Statutory Instruments (as they come from so many different departments, etc.), they are now looking at bringing in translation software which is based on translation memory, in order to sort [the terms].⁵⁶

The primary source of terminological precedent for the translators, therefore, are the acts themselves, as highlighted by current chief translator Vivian Uíbh Eachach, ‘the most important precedents for us are the official translations which we have published. We are able to access them on www.achtanna.ie ... and on the House of the Oireachtas website.’⁵⁷ For this reason, the corpus compiled consists of acts of the

⁵⁶ *‘I dteannta na leabhair sin, leanadh de liostaí téarmaíochta a choinneáil agus, sna seascaidí, ceapadh córas cártaí innéacs. Bhí na téarmaí Béarla ar na cártaí sin in ord aibítreach. Bhí an cur chuige céanna ann a bhí ann leis na ceithre máistrí ach go raibh sé i bhfad níos éasca cur leis an gcorpas. Leanadh den chóras sin ar feadh na mblianta fada. Gabhadh na cártaí innéacs go leictreonach le haghaidh bunachair inmheánach b’fhéidir 15 bliana ó shin. Ag deireadh na nóchaidí/tús an chéid seo, chuaigh oifig an Ard-Aighne i mbun na hAchtanna Béarla ar fad a ghabháil go leictreonach agus cuireadh an leabhar reachtach ar fáil. Dlúthdhiosca a bhí ann ar dtús agus anois tá www.irishstatutebook.ie ann. D’fhág sé sin go raibh sé i bhfad níos éasca teacht ar fhasaigh agus is é a dheintí ná cuardach sa leabhar reachtach agus bhíodh foireann d’imleabhair cheangailte de na hAchtanna ag gach aistriitheoir chun teacht ar an bhfasach Gaeilge. Ag tús an chéid, gabhadh na hAchtanna Gaeilge agus cuireadh ar fáil iad ar www.achtanna.ie. Chuir an méid sin go mór le luas na hoibre. Ó bhí 2005 ann, tá áis aistriúcháin shaindeartha in úsáid againn atá ceangailte go díreach le leagan inmheánach den suíomh www.achtanna.ie. Déantar cuardach ar na fasaigh sna hAchtanna agus tugtar an téacs isteach sa doiciméad ina dhiaidh sin. Tá bogearraí gaolmhara ag Oifig na mBillí chun Billí agus Achtanna a phróiseáil. Tá bunachair inmheánacha againn le haghaidh aistriúcháin eagsúla a mbímid ag obair orthu. Ó nach bhfuil an áis aistriúcháin atá againn oiriúnach le haghaidh Ionstraimí Reachtúla (toisc go dtagann siad ón iliomad Ranna éagsúla, etc), táthar ag breathnú anois ar bhogearraí aistriúcháin atá bunaithe ar chuimhne aistriúcháin a thabhairt isteach chun iad sin a phróiseáil.’ – email correspondence with Anne-Marie Dowling, *Rannóg an Aistriúcháin*, dated 25/05/15*

⁵⁷ *‘Is iad na fasaigh is tábhachtaí dúinne ná na tiontuithé oifigiúla atá foilsithe againn. Bíonn fáil againn orthu sin in www.achtanna.ie, suíomh atá á uasdátú agus á athchóiriú faoi láthair, agus ar*

Oireachtas obtained from achtanna.ie, and specific legal terminology selected for analysis from those acts, as outlined in the following Chapter.

1.3. *Rannóg an Aistriúcháin*: Contribution to Standardisation

1.3.1. Cló Gaelach Debate

While initially formulated as merely one component of a multifaceted approach to achieve a Gaelic-speaking nation, the Translation Section quickly became - by a mixture of both accident and necessity - the pioneering body behind the modernisation of the language. Upon the setting up of the Irish State in 1922, a Government decision had to be made whether to use the Gaelic or Roman type, the latter of which was widely employed in the majority of European languages. As Ó Cuív (1969: 26) highlights, ‘Roman type had been used to some extent in the official printed reports and other documents of the first Dáil Éireann in the period 1919-1921 and, one might add, for the Irish words and names in the printed proclamation of *Poblacht na hÉireann* (the Irish Republic) in 1916.’ Despite this, the preference of the Roman over the Gaelic type attracted much debate, both before and after *Rannóg an Aistriúcháin*’s inception. Father Theobald Stapleton was among the first of those to perceive a disadvantage of employing a special type for Irish, having himself published an Irish ‘Catechism’ in Roman type in 1639. While a few religious authors followed Stapleton’s lead, the learned Irish societies used the Gaelic type and, as such, the propensity to abandon it was arrested. The Society for the Preservation of the Irish Language, the Gaelic Union, and finally the Gaelic League also showed their preference for the old type, a decision, according to Ó Cuív (*ibid*: 25 & 26), ‘based on sentiment rather than on reason’ and ‘an added burden to schoolchildren who thus had to learn to read and write two scripts instead of one’. In a March 1918 edition of *An Claidheamh Soluis* (ACS) in an article titled ‘*Sgríobhadh na Gaedhilge*’ (Irish Writing), the then-editor Piaras Béaslaí stated that he had always been fond of the Gaelic print, but as a result of the low standard of compositions he had received as editor of ACS, he had now changed his mind. This statement unintentionally ignited great debate among Irish speakers, to the extent that Béaslaí

shuíomh Thithe an Oireachtais.’ – email correspondence with Vivian Uíbh Eachach, *Rannóg an Aistriúcháin*, dated 11/04/14.

had to call for an end to letters of dispute in ACS two months later, in an article entitled ‘Rómhánachas’⁵⁸ [*Romanism*]:

‘We feel that it is time to put an end to the debate regarding “Romanism”... Any writer who has good Irish and something to say, which is worth saying, will be welcomed to write for “Fáinne an Lae”, whether or not he prefers “Romanism” or “ornamentation”’⁵⁹

The conservatives’ rejection of the Roman script, as Ó Riain (1994: 64) highlights, ‘illustrates the importance of symbols to people’⁶⁰, though it was, in fact, Queen Elizabeth I of England who provided the first font of Gaelic type in 1571 for the printing of the first book in the Irish language, *Aibidil Gaoidheilge & Caiticiosma* (‘Irish Alphabet & Catechism’) in an effort to promote the Protestant faith in Ireland. When, in 1611, the Franciscans began to produce Catholic books, they too employed the Gaelic type ‘and so confirmed a fashion which was to last for nearly four centuries’ (Ó Cuív, 1969: 25). *Rannóg an Aistriúcháin* were keenly aware of the need to utilise a script that would promote and facilitate the use of Irish as a modern European language and, as a result, the Irish version of the new State’s Acts were printed in Roman type from the beginning, despite the fact that the Gaelic type was in common use in schools and in Irish language reading materials. Thus, on July 29th, 1924, the Supreme Council made the decision that Roman typeface would henceforth be employed throughout the Civil Service. The reasons for this decision were twofold:

- (1) the use of Gaelic typeface was more expensive than the use of Roman typeface;
- (2) if the use of Gaelic typeface were to continue, many more typewriters would be required in the Civil Service as they were almost all in Roman print.

As such, it was not only due to practicality that the Roman typeface was chosen, but for reasons of cost, with the amount of rebuilding that was to be done throughout the

⁵⁸ Béaslaí, 1918: 1.

⁵⁹ ‘Is dóich linn gur mithid deire a chur leis an ndíospóireacht i dtaobh “Rómhánachais”... Éin sgríbhneoir go bhfuil Gaedhilg mhaith aige agus rud éigin le rádh, gur fiú é rádh, beidh fáilte roimh a shaothar i “bhFáinne an Lae” is cuma ciaca “Rómhánachas” nó “órnaídeachas” is annsa leis’ - *ibid.* in Uí Chollatáin, 2004: 162.

⁶⁰ ‘léiríonn sé tábhacht na siombailí don phobal’.

State in 1924 as a result of years of warfare no doubt a consideration.⁶¹ This did *not* mean, however, that Gaelic font could not be used on envelopes, letterheads or in artistic writing, as was confirmed at a meeting of the Supreme Council on August 26th, 1924. Earnán de Blaghd, who served as Minister for Finance from 1923 to 1932, was particularly against the use of the Gaelic font, ordering in 1931 ‘that the Roman font shall be the official font from next year onwards, on Irish language Government publications, on exams papers and others’⁶² – a move which led to the Gaelic League organizing a special conference in protest on July 28th, 1931. While, as Ó Riain (1994: 65) maintains, ‘it appears that the abolition of the *seanchló* was a policy of the the Cumann na nGaedheal government 1922-1932’⁶³, the new Fianna Fáil government elected in 1932 had the opposite approach. The regulations which prohibited the use of the Gaelic font in publishing and in official communication was reversed by the Supreme Council on March 19th, 1932, stating that Government Departments would be free to choose between the two; the decision for each Department being made by the Head of that Department. According to Daltún (1983: 15), the government decision ‘to put an end to the obligatory Roman font’⁶⁴ was widely welcomed, and the decision was later made to print the 1937 Constitution in Gaelic font, notwithstanding the fact that *Rannóg an Aistriúcháin* continued to produce all other Irish language legal translations in the Roman type, and thus leading to further incongruity. This was highlighted in a memorandum submitted to the Government by Finance Minister Seán Mac an tSaoi on May 16th, 1938, where he highlighted that, ‘a discrepancy in practice exists in different branches of the Government Service in regard to the script and orthography employed in Irish.’ The role of *Rannóg an Aistriúcháin* in this regard is emphasised by Mac an tSaoi, stating that:

‘The output of Irish comes from two main sources, the Publications Branch of the Department of Education and the Translation Staff attached to the Oireachtas. The former employs Gaelic script... whilst the Translation Staff uses modern Roman script and a system of simplified spelling... No attempt

⁶¹ See Ó Riain, 1994: 64.

⁶² ‘...gurb é an cló rómhánach a bheadh ina chló oifigiúil ón gcéad bhliain eile amach, ar fhoilseacháin Ghaeilge an Rialtais, ar pháipéir scrúdaithe is eile’.

⁶³ ‘Diothú an tseanchló a bhí mar bheartas ag Rialtas Chumann na nGael 1922-32 is dealraitheach’.

⁶⁴ ‘...deireadh a bheith le héigean an chló rómhánaigh’.

has so far been made to end the anomaly that government Departments, instead of helping in the formation of a common standard, are taking the lead in spreading confusion.'

He then continues to make arguments for and against the Translation Section's use of the Roman typeface, noting that, on one hand, its use prevented the duplication of typewriters, was less 'trying on the sight' than Gaelic script, promoted greater accuracy in spelling as a result of the use of 'h' instead of an aspiration mark, would act as an impetus to simplify Irish spelling, and would save valuable time in school teaching dual scripts. Mac an tSaoi's arguments against the Roman font focused primarily on the Gaelic font's native and aesthetic value, noting that it was a 'more artistic' and 'native product' with which writers and students of the language were more familiar. Arguments in favour of the Gaelic font were fewer than those against and, as such, Minister Mac an tSaoi recommended 'that the Government should issue a direction that Roman script and the spelling and terminology of the Oireachtas Translation Staff should be adopted for all official purposes, including the production of school texts and works of all general literature in Irish under the Department of Education's Publications Schemes'. Such recommendations were placed on Government agendas at various meetings throughout 1938 yet no official decision on the matter was made, with both Departments continuing to utilise differing styles. In January of the following year, Education minister Tomás Ó Deirg sent a report to the Government secretary detailing his views against the adoption of the Roman script in schools, as 'it would be very undesirable to attempt to force the schools to adopt the Roman script as the vast majority of teachers have such an objection to this script that there would be the greatest opposition to any such attempt.' This conflict between the Departments of Education and Finance as regards adoption of a uniform script was furthered by the Department of Finance's response to Ó Deirg five days later, stating that while the adoption of one script on documents issued under Government auspices would not be without its difficulties, 'they were nothing in comparison with the difficulty of the task of making Irish again a generally spoken language.' While it was decided at a Government meeting on February 14th, 1939 that the new terminological dictionary should be printed in the Roman typeface, a response as to which type to employ uniformly in Government publications was not to come until 1963, when the Fianna Fáil Minister of Education, Patrick Hillery, finally conceded to the Roman type by announcing that the 'Minister for Education

has decided that Roman font shall be used on question papers, in Irish language readers and in other prose texts'⁶⁵. While nowadays 'the Gaelic font is confined to formal contexts, where the emphasis is on design rather than information' (Mac Mathúna, 2008: 79), the controversy surrounding the Gaelic and Roman types is typical of the contention between modernisation and authenticity – a contention which was continued with the orthographical standardisation of the language.

1.3.2. Creating an Orthographical Standard

On May 4th 1937, a committee 'to make recommendations regarding any changes which should be made to the spelling of Irish in the Draft-Constitution to simplify that spelling'⁶⁶ was assembled by de Valera, with Eoin Mac Néill as chairperson. While these changes were accepted in the publishing of the draft constitution, de Valera was not entirely impressed, described them as merely a 'half-way measure'.⁶⁷ A year later, in a memorandum from the Department of Finance dated May 16th 1938, a case was again made by the Department for the adoption of a uniform script and orthography in Irish, in line with that employed in *Rannóg an Aistriúcháin*. The advantages of doing so were outlined in full, stating that its simplicity results in economy of time and money, that its adoption would increase accuracy and uniformity in eliminating alternative spellings and dialectal forms, and that the majority of words are not majorly affected, as 'perusal of the Irish version of Acts of the Oireachtas does not reveal an excessive use of simplified forms'. All in all, it was highlighted that there had been no difficulties in adopting it in translation work with 'all Acts of the Oireachtas since 1922, covering the whole field of administration' translated to Irish. In qualifying the advantages of the new spelling, it was stated that 'simplified spelling is an inevitable development in a modern language and Irish needs to adopt it now rather than await its natural growth.' The disadvantages pertaining to the adoption of the new spelling were similarly outlined in the memorandum, focusing on the fact that the majority of school texts and dictionaries

⁶⁵ 'Tá socair ag an Aire Oideachais gurb é an Cló Rómhánach a bheidh in úsáid i gceistpháipéir, i léitheoirí Gaeilge agus i dtéacsanna Próis eile'.

⁶⁶ 'chun molta do dhéanamh i dtaobh aon athruithe ba mhaith a dhéanamh ar litriú na Gaedhilge sa Dréacht-Bhunreacht d'fhonn an litriú san do shimpliú.' - Daltún, 1983: 20.

⁶⁷ 'chun molta do dhéanamh i dtaobh aon athruithe ba mhaith a dhéanamh ar litriú na Gaedhilge sa Dréacht-Bhunreacht d'fhonn an litriú san do shimpliú' - Parliament Debates 25 p.1191.

used the Dinneen standard, which was also employed by the majority of students and writers. The strongest point made against the new spelling was that the ‘Oireachtas Translation Staff’s type of spelling is destructive of dialectal variations of sound and form and consequently its adoption would impoverish the language’, and that ‘a strong body of influential opinion is opposed to simplification as being destructive of the integrity of the language’. Despite such concerns, the overall recommendation from the Department of Finance was strongly in favour of adoption. However, in his response on January 30th, 1939, the Minister for Education, Ó Deirg, stated that it ‘would not be in the best interests of the language and that it would be preferable and, indeed, imperative, to continue as at present, letting the course of time and the development of literature decide the question of spelling’.

In order to fully ascertain popular academic opinion on the matter of spelling, on May 10th, 1939, the Government Secretary sent a letter along with a memorandum outlining the *Rannóg an Aistriúcháin* spelling, to Prof. Osborn Bergin, Prof. T.F. O’Rahilly, Prof. Tadhg Ó Donnchadha (Tórna), Prof. Tomás Ó Raghallaigh, Gearóid Ó Murchadha, and Séamus Ó Searcaigh, seeking their opinions on the new system of spelling. This received primarily positive responses; albeit with the exception of Tórna, who recommended adhering to the old spelling as far as possible ‘except in those cases where the main dialects concur with each other’⁶⁸. The academics’ opinions were put before the Dáil on June 5th, 1939, yet another year would pass before any response was given. The Dáil approved the majority of the recommendations, publishing them in a memorandum in Autumn 1940. By March 27th, 1941, the School of Celtic Studies (*Scoil an Léinn Cheiltigh*) gave their own report on the changes to spelling, having assembled a sub-committee within the school to discuss such matters. Not only were they supportive of *Rannóg an Aistriúcháin*’s changes, as Ó Riain (1994: 69-70) describes, ‘they demanded changes which were much more radical and more systematic’.⁶⁹ In response, *Rannóg an Aistriúcháin* suggested moving more slowly, working in line with the general principle that all readers should be able to derive their own dialectal pronunciation

⁶⁸ ‘acht san chás go n-aontuighid na príomhchanamhaintí le chéile’ – Memorandum dated 15 May 1940 from Dáil clerk to Department of the Taoiseach.

⁶⁹ ‘d’éiligh siad athruithe i bhfad ní ba radaicé agus ní ba chórasaí’.

from the standard spelling. Speaking in support of *Rannóg an Aistriúcháin*'s working standard in *Seanad Éireann* (Senate of Ireland), 14 May 1941, Taoiseach de Valera stated that:

‘The belief I have come to, with no other aim in mind than the development of the language and its increasing use in our lives, is that one of the things that would help us most would be to get a standardised spelling... ...if I were allowed to be a dictator... I would take the spelling which has been adopted by the *Dáil* translation staff. I would take it say, to those who are in the present institute and ask them for their opinion upon it, because they know the history of the language and its foundations. I would ask them for their suggestions and then make sure the standard spelling was used in all Government publications of every kind - in every text book issued by a Government Department.’

Later that year, de Valera set up a committee to examine the problem of Irish spelling, and to make recommendations for a simplified system suitable for adoption as a standard for general use; he described the process in the *Dáil* on March 7th, 1946, where he stated that,

‘This committee found itself unable to make progress. I then entrusted the task to the chief translator on the *Oireachtas* Staff (Liam Ó Rinn) and, after his death, to his successor (Tomás Page) who, with the assistance of the whole translation section, re-examined the question in the greatest detail and, after some years of study, finally submitted the recommendations now incorporated in the booklet published under the title *Litriú na Gaeilge: An Caighdeán Oifigiúil* (‘Irish Spelling: The Official Standard’).’

The working written standard was not, however, without its opponents. Among them was *Comhaltas Uladh*⁷⁰ who, on June 19th, 1941, put forward a motion to the Minister for Education that ‘the spelling in Father Dinneen’s Dictionary should be followed’⁷¹, as well as *Coiste Gnó an Chomhchaidrimh*, which stated in a letter to de Valera that they felt it was ‘still too early to formulate a standard for Irish,

⁷⁰ A provincial assembly of *Conradh na Gaeilge*, who administers the work of the Gaelic League throughout Ulster and County Louth.

⁷¹ ‘gur cheart leanamhaint don litriughadh atá i bhFoclóir an tSagairt Uí Dhuinnín...’.

particularly in the manner mentioned in *Seanad Éireann*⁷². Despite such concerns, a Spelling Committee (*Coiste Litrithe*) was established on November 11th 1941 under the remit of ‘recommending a short system of spelling for Irish which will be suitable for adoption as a common standard system’⁷³. This came to a head on June 14th 1944, when the Government Secretary sent a letter to the clerk of the Dáil stating that ‘an agreement has now been made... regarding the standard spelling of Irish in official affairs henceforth. The Taoiseach wishes to adopt with immediate effect the standard in Translation Staff work, and particularly in the Irish language versions of the Acts and Statutory Orders’.⁷⁴ As such, the following year, the Constitution was published in the new spelling, as well as *Litriú na Gaeilge: Lámhleabhar an Chaighdeáin Oifigiúil* (‘The Spelling of Irish: The Handbook of the Official Standard’) released, an amended version of which was published in 1947. Finally, in February 1948, the Department of Education followed suit, stating in circular 8/48 that,

‘The Minister has decided... that the standard Irish spelling will be implemented in the National Schools... and only Irish reading material and whatever Irish versions of textbooks in that font will be used in schools from that schoolyear mentioned onward.’⁷⁵

⁷² ‘gur ró-luath go fóill caighdeán litrithe a cheapadh don Ghaedhilge, go háirithe ar an mbun a luadhais i Seanad Éireann’.

⁷³ ‘Córas litrithe ghairid don Ghaedhilg do mholadh a bhéas feiliúnach le n-a ghlacadh mar chóras chaighdeánach chóchoiteann’.

⁷⁴ ‘go bhfuil réiteach déanta anois... maidir le leitriú caighdeánach don Ghaeilge i ngnóthaí oifigiúla feasta. Is mian leis an Taoiseach go ndéanfaí an caighdeán atá socair do thabhairt i bhfeidhm láithreach agus é d’úsáid as so amach in obair na Foirne Aistriúcháin, agus go háirithe sna leagain Ghaeilge de na hAchtanna agus de na hOrduithe Reachtúla’ – S.9605C Cabinet File: Irish in the Civil Service: Spelling and Font.

⁷⁵ ‘Tá beartaithe ag an Aire... go gcuirfear tús leis an leitriú caighdeánach Gaeilge sna Scola Náisiúnta... agus nach bhfaofar úsáid sna scola sa scoil-bhliain a luaitear agus as sin amach ach pé leabhair léitheoireachta Gaeilge agus pé leagain Gaeilge de théacsleabhair a mbíonn cló ortha sa leitriú san’.

1.3.3. Creating a Grammatical Standard

This standardised spelling, however, was merely the first step toward achieving an overall standard in Irish, as while disparities in spelling had been ironed out, there remained discrepancies in grammatical use from one dialect to the next. While - as with the *cló* debate and orthographical standardisation - there was some contention from purists as to what form the standard grammar should take, ‘it was recognised that there was a need for a standard grammar which would be universally accepted in order that Irish could fulfil modern functions’⁷⁶ (Ó Riain, 1994: 75). Again - as Daltún (1983: 16) highlights - ‘As it was *Rannóg an Aistriúcháin* who took the first step on the road to standardisation, they were expected to take the second step, particularly as regards grammar’⁷⁷, with the publication of *Gramadach na Gaeilge: Caighdeán Rannóg an Aistriúcháin (Irish language grammar: Translation Section Standard)* in 1953. This publication, containing the standard grammar that the Translation Section recommended for general use and which was based on internal discussions within the *Rannóg* itself and consultations with teachers and writers manual, was produced with the intention of providing a guide and an opportunity for public suggestions and criticism. The implementation of such a standard was debated in the Dáil on February 10th, 1954, with TD Oliver Flanagan asking Taoiseach De Valera ‘if he is aware that there is not in existence any modern Irish grammar using the standard official forms and constructions and standard vocabularies of words that have been in use for 20 years in Acts of Parliament and statutory rules and orders; and whether, in order to promote the rapid spread of the Irish language as a modern language, he will see to it that this work is put in hands immediately and brought to a conclusion with all possible speed’. In response, TD Donnchadh Ó Briain stated that the ‘Oireachtas Translation Branch has been engaged for a considerable time past on the preparation of a modern Irish grammar... A booklet was published last July giving the outline of the main features of the proposed official standard; this was done so as to obtain the views and criticisms of persons and bodies interested in the subject before the standard was definitely adopted for official use. A

⁷⁶ ‘aithníodh an gá a bhí le gramadach chaighdeánach lena nglacfaí go coitianta chun go bhféadfadh an Ghaeilge feidhmeanna nua-aoiseacha a chomhlíonadh’.

⁷⁷ ‘Os rud é gurbh iad muintir Rannóg an Aistriúcháin a thug an chéad chéim ar bhóthar an chaighdeáin, bhíodhas ag brath orthu an dara céim a thabhairt, ar feadh gramadaí go háirithe.’

more comprehensive edition of the booklet is now being prepared in consultation with various authorities on the subject'. De Valera, in the same debate, highlighted the role of *Rannóg an Aistriúcháin* in this regard, by reiterating that they would 'take into account whatever criticisms they have got in regard to the first edition', but that they were 'particularly well fitted to deal with it' as there was not 'any body in the country, any group of people in the country, who have such a constant contact with the living language and given such attention to its structure and use as the translation staff.' As such, in 1957, Séamas Daltún - the section's Chief Translator - was asked by the Taoiseach to prepare a manual for publication as a standard for all official purposes and as a guideline for teachers and for the general public. The orthographical standard released twelve years previously was to be expanded to incorporate regulations not only on spelling, but on grammar, incorporating the numerous opinions and recommendations given by the public and by experts.

This second task in the realm of standardisation was somewhat more formidable, and what the translation staff did was to consider forms used in Gaeltacht speech and make a choice on the basis of those most widely used. As stated in the introduction *Gramadach na Gaeilge agus Litriú na Gaeilge: An Caighdeán Oifigiúil* ('The Grammar and Spelling of Irish: The Official Standard'), the expanded standard was based on the following principles:

1. Not to accept, as far as possible, any form or rule which does not have authority in the living language of the Gaeltacht;
2. To make a choice from the forms most commonly used in the Gaeltacht;
3. To assign due importance to the history and literature of Irish;
4. To seek regularity and simplicity⁷⁸

It is also highlighted in the introduction, however, that it was often necessary to make a compromise between these basic directions.⁷⁹ While the new grammar was related to the living language, it was not comprised of any one dialect, although it was arguably closer to the Irish of Connacht than to that of Ulster or Munster. The

⁷⁸ 1. 'Chomh fada agus ab fhéidir sin gan glacadh le foirm ná riail nach bhfuil údarás maith di i mbeotheanga na Gaeltachta; 2. Rogha a dhéanamh de na leaganacha is forleithne atá in úsáid sa Ghaeltacht; 3. An tábhacht is dual a thabhairt do stair agus litríocht na Gaeilge; 4. An rialtacht agus an tsimplíocht a lorg' - *Rannóg an Aistriúcháin*, 1958: viii-ix.

⁷⁹ 'B'éigean go minic comhréiteach a dhéanamh idir na buntreoracha sin.' - *ibid*: ix.

grammatical standard followed earlier grammars with regard to nouns, by recognizing five declensions with up to five cases in singular and plural, differentiated by variation in their inflection. As regards some of the grammatical decisions made by the *Rannóg*, as Mac Mathúna (2008: 82) outlines, ‘*An Caighdeán Oifigiúil* prescribed so-called separate forms (*foirmeacha scartha*) rather than coalesced forms (*foirmeacha táite*), but not in the first person plural past tense, where *mholamar* ‘we praised’ was included, rather than *mhol muid* (Connacht) or *mhol muidinne* (Donegal).’ A single set of forms was also selected for the irregular verbs, which vary greatly in dialectal speech. In such cases where simple prepositions are combined with the definite article and a noun, *an Caighdeán* allows for two systems; eclipsis of the noun (e.g. *ar an mbealach*, ‘on the way’) as in Munster and Conamara, and lenition (*ar an bhealach*) as in Ulster. Despite the positioning of *Gramadach na Gaeilge* in the title, as Mac Mathúna (*ibid*) contests, ‘the standardizing of grammar really only relates to morphology or forms, little or no guidance being given as to syntax, that is how words, phrases, clauses and sentences are put together.’ Despite a marginal consideration of matters of syntax, the general aim of *Gramadach agus Litriú na Gaeilge: An Caighdeán Oifigiúil* was regularity and simplicity and, on the whole, this was accomplished. As such, there was immediate demand for the booklet when it came on the market in 1958. ‘1,200 new grammar books sold on its first day’ was the notice in the ‘Irish Press’ on September 12th 1958, and this demand remained so strong that reprints were made available in 1960, 1962, 1968, 1975, 1979, 1994, 1995, 1998 and 2004, with revised editions of the Standard later published in 2012 and 2016.

1.4. Terminology

1.4.1. Introduction to Terminology

Languages develop in response to the needs of those who utilise them, with technical terminology emerging in accordance with the demand for appropriate terms in a particular domain. Such a need for terminological advancement in the Irish language was at no point more keenly felt than immediately following the foundation of the Irish Free State, such was the dearth of modern Irish terminology and the surge in Irish language usage and translation in the new Government. According to Éamonn Ó hÓgáin (1983: 28), ‘Clarity and singularity of use and meaning are the most

important characteristics required by those who use technical terms, two characteristics which separate terms from those words which are in common usage in the language in general.’⁸⁰ Such singularity of use and meaning is particularly essential in the translation of legislative texts, where equivalence of legal terminology is fundamental not only in ensuring fidelity to the source text, but in order to safeguard against divergence from the original legislation. This is of particular relevance in the Irish context due to the constitutional status of the Irish language as the national and first official language of the Republic of Ireland⁸¹, and the provision in Article 25.4.6° that ‘In case of conflict between the texts of a law enrolled under this section in both the official languages, the text in the national language shall prevail’⁸². In other words, should the Irish translation deviate in any way from its English legislative counterpart, it is the Gaelic translated legislation which has the legal upper hand. A consideration of terminology in the analysis is not only significant as regards assessing the efficacy of English-Irish legislative translation during this period, but also in order to assess how *Rannóg an Aistriúcháin* ensured terminological consistency in their translations. So long was the Irish language absent from a legal domain that the responsibility for establishing a legal terminology fell upon the government translators. In this regard, due consideration will be given in the analysis as to what Irish language words/terms were available during this period in order to match their English language counterparts, why one term was chosen over another where alternatives were available, and where and how neologisms have been coined in order to establish the Irish language in a legal domain.

1.4.2. Terminology Defined

Terminology as discipline of study is a relatively new one, having come into focus as a byproduct of the growing need to facilitate communication and translation of specialized texts, and to transfer knowledge between specialist text users belonging

⁸⁰ ‘Soiléire agus aonaránacht brí agus úsáide na tréithe is tábhachtaí a éilíonn lucht úsáidte téarmaí teicniúla, dhá thréith a dheighleann na téarmaí amach ó fhocail atá i ngnáthúsáid na teanga i gcoitinne’.

⁸¹ Article 8.1° of the Constitution of Ireland, passed by plebiscite in 1937, states that ‘The Irish language as the national language is the first official language’.

⁸² This is discussed further in the Introduction and in Chapter Two.

to different language communities. As Cabré (2000: 37) describes, ‘as a subject field with explicit premises, terminology emerges from the need of technicians and scientists to unify the concepts and terms of their subject fields in order to facilitate professional communication and the transfer of knowledge’. Terminology as a discipline has been for some time in search of a defining theory, and this quest for a set of theoretical principles has led terminologists to ask themselves whether Terminology should be regarded as a branch of Philosophy, Sociology, Cognitive Science, or Linguistics (Faber et al, 2012: 15). Indeed, the disciplines of Terminology and Linguistics have scarcely recognized each other in the past, with Terminology asserting itself as an autonomous discipline. As Sager (1994: 7) has observed, the definition of terminology as a concept changes from person to person, and terminology as a word may begin with either an upper or lower-case letter - the former referring to the study of specialized language, and the latter referring to the units in any specialized knowledge field.

Terminology as an academic discipline began in the 1930s with Eugen Wüster, the author of *The Machine Tool, an Interlingual Dictionary of Basic Concepts* (1968), a systematically organized French and English dictionary of standardized terms intended as a model for future technical dictionaries. This multi-volume work inspired the General Terminology Theory, which laid out the initial set of principles for the compilation and description of terminological data with a view to the standardization of scientific language. Among the basic assertions of this theory is that specialized terms differ from that of general language words as a result of the monosemic relationship between terms and concepts, that is, that a term can be distinguished from a general language word by its single-meaning association with the specialized concept that it designates (Pavel and Nolet, 2001: 19). Faber et al (2012: 13), however, dispute this definitional approach to terminology, describing it as ‘an extremely idealized vision of specialized communication’, as ‘terminological variation is quite frequent... The same concept can often be designated by more than one term, and the same linguistic form can be used to refer to more than one concept.’ This, they contest, is a common feature across all languages, and one which presents a challenge to translators and technical writers alike. Such multiplicity of terminological meaning was not considered in the General

Terminology Theory, in which Wüster's principal objectives (in Cabré 2003: 173) were:

‘To eliminate ambiguity from technical languages by means of standardization of terminology in order to make them efficient tools of communication; – To convince all users of technical languages of the benefits of standardized terminology; – To establish terminology as a discipline for all practical purposes and to give it the status of a science.’

While such a proposed univocity or one-to-one reference between term and concept in a specialized knowledge field first appeared possible to achieve, as Faber et al (2012: 11) describe, ‘it soon became apparent that this was more a desideratum than a realistic goal.’ Terminology is intrinsically linked with LSP, or Language for Specific Purposes⁸³, insofar as that specialised texts have unique characteristics, one of which is the prevalence of technical terminology in such texts. Because their general function is usually the transmission of knowledge, they are characterized by a greater than usual repetition of terms, as a result of their connection with and specificity to a particular scientific or technical domain. As a result, understanding a terminology-rich text requires knowledge of the domain, the concepts within it, and the relationships between concepts within the domain - a key consideration for translators of scientific and technical texts. Linguistic knowledge alone is insufficient in the production of an acceptable text in a specialized knowledge field. A translator or technical writer must be ‘closet terminologists’ (Faber et al, 2012: 10) and be capable of carrying out terminological management as a means of knowledge acquisition - as such, an understanding of terminology and specialized knowledge representation is a key factor in successful scientific and technical text translation.

1.4.3. The Development of (Legal) Terminology in Irish

There has always been an abundance of technical terms in the Irish language, particularly in certain traditional areas such as farming, fishing, craftsmanship, health, and in religion. From the seventeenth century until the beginning of the Gaelic revival, however, the areas in which the Irish language was utilised became increasingly marginalized; the reversal of which was to the forefront of state policy

⁸³ See Chapter 2.2.3. for more on LSP.

upon the foundation of the Irish Free State⁸⁴. An important element in the fulfilment of this objective was the standardisation and coining of technical terminology in Irish, not least in domains such as law where the language had long been absent and, as such, was greatly lacking the appropriate terminology for use in legal translation. Indeed, terminology planning and translation are intrinsically linked, as Ní Ghearáin (2007: 30) asserts, ‘it [terminology planning] is driven by the needs of translation and seen as a tool for effective translation.’ The cultivation of Irish language terminology in the last century, Ó hÓgáin (1983: 28) suggests, can be divided into four separate stages: (a) up until the establishment of the State, (b) from the foundation of the State to the publication of de Bhaldraithe’s English-Irish dictionary in 1959, (c) de Bhaldraithe’s English-Irish dictionary in 1959, and (d) the work of the *an Coiste Téarmaíochta* in the Department of Education from the late 1960s onwards.⁸⁵

1.4.4. Irish language terminology pre-1922

The status of the Irish language prior to the foundation of the Irish Free State had, as previously outlined, been weakened in terms of its political, economic, and social status. From the seventeenth century onward, the English language held the upper hand in the higher echelons of society, meaning that Irish had become marginalized and primarily prevalent in the more remote parts of rural Ireland. Despite this fact, lexicographical work was prevalent in the endeavours of many in the 300 years prior to the foundation of the state, such as Pluincéad (ms. 1662); Lhuyd (1707); Ó Beaglaoich and Mac Cuirtín (1732); Ó Neachtain (ms. 1739); Ó Briain (1768); Connellan (1814); O’Reilly (1817, 1821, 1864); Ó Conaill (ms. 1826); Coneys (1849); Mac Ádhaimh (ms. c. 1850); Foley (1855); Albe (1903); and O’Neill Lane (1904, 1918) (see Nic Pháidín, 2008: 95). Drawing closer to the revival period of the late 19th century, however, the lack of technical terms in Irish was particularly felt, as described by Tomás Dáibhis in an article entitled ‘The Irish Language’ in *The Nation* dated 10.12.1843:

⁸⁴ as previously discussed in this Chapter.

⁸⁵ While the periods pertaining to points (c) and (d) fall outside our period of study (1922-1937), they will be considered due to their pivotal roles as regards the coining, implementation, and dissemination of Irish language terminology.

‘The want of modern scientific words in Irish is undeniable, and doubtless we should adopt the existing names into our language... Once Irish was recognized as a language to be learned as much as French or Italian, our dictionaries would fill up, and our vocabularies ramify, to suit all the wants of life and conversation.’

Perhaps as a result of this need, terminological ventures were undertaken in the late 19th/ early 20th century, as technical terms were collected from the spoken language - one example being *Rannóg an Aistriúcháin*’s first translator Micheál Ó Loingsigh, who won first prize in the 1901 *Oireachtas na Gaeilge* ‘for best use of terms used in Agriculture’ (*Irisleabhar na Gaedhilge*, Deireadh Fómhair 1906). Terminological lists which were the result of solo endeavours were also produced, such as Fr. Peadar Ó Laoghaire’s list of terms pertaining to electricity, as published in *Irisleabhar na Gaedhilge*, December 1899⁸⁶, and another list of terms pertaining to electricity, telegraphy, and telephony compiled by Seán Ó Maoláin in *Irisleabhar na Gaedhilge*, December 1907. Other terminological lists compiled by groups, such as ‘Irish Technical Terms for use at Meetings’ (*Irisleabhar na Gaedhilge*, July and August 1896), and a list of accounting terminology published in *An Claidheamh Soluis*, January 26th 1907, compiled by the Terms Committee (*Coiste na dTearmaí*) which was established in 1907 and had both Eoin Mac Néill and Pádraig Mac Piarais as members. The journalistic and literary endeavours in the Irish language during this time also similarly added to the use and production of technical terminology prior to the foundation of the State.

1.4.5. Irish language terminology 1922-1959

The foundation of the Irish Free State brought with it a set of ideals about what it meant to be Irish, and the elevated status of the Irish language played a central role in the fulfilment of the new state Government’s nationalist agenda. To this end, use of the language widened considerably in areas such as administration, education, and government, exposing what had long since become a dearth in appropriate technical terminology. Éamonn Ó hÓgáin (1983: 29) describes this as follows:

⁸⁶ Alongside an editorial note which stated that ‘The terms in the above are of course only suggestions made by Father O’Leary. All may not agree with him as to the suitability of his proposed terminology’.

‘The foundation of the State and the status of the Irish language in this new State added significantly to the expansion of the language in domains in which it had not previously been employed. As State organizations were now using and coining terms in Irish, and thus affording superior status to this terminology, technical terms in Irish now had greater standing and impact than before’⁸⁷

In other words, while terminological endeavours had - as previously highlighted - certainly been undertaken in the period prior to the foundation of State, the terms employed and coined by the civil service were viewed as having a more authoritative standing than those collected from speech. This was due in no small part to the Irish language now being employed by the civil service in a legal domain; a fact which, as O’Rourke (2014: 265) emphasises, further highlighted the gaps in technical terminology:

‘When the Irish state was founded in 1922 and when it was decided rather audaciously to translate all legislation into Irish, the assumption might have been that Irish as a language was a coherent, well-formed entity. Nothing could have been further from the truth’.

The first official reference made to a lack of appropriate technical terminology in Irish during this period is to be found in a circular from then Minister of Education, Micheál Ó hAodha, to the other ministers on 24th February 1922, in which he states that many people had been writing to him ‘seeking procedural terms’⁸⁸ and that, to this end, a committee should be set up in every department ‘to set terms for use in that Ministry.’⁸⁹ In a separate circular dated March 1st 1922, Ó hAodha states that, ‘... I may now say that a Gaelic Academy has been established. As a result, a list of terms should be sent to us as soon as they have been coined by each Ministry, in

⁸⁷ *‘Chuir bunú an Stáit agus seasamh na Gaeilge sa Stát nua go mór le leathnú na teanga i réimsí a bhí ceilte uirthi go dtí sin. Ós rud é go raibh eagraíochtaí Stáit anois ag úsáid agus ag cumadh téarmaí sa Ghaeilge agus seasamh acu dá réir mar eagraíochtaí Stáit bhí seasamh agus dul i bhfeidhm ag téarmaí teicniúla na Gaeilge thar mar a bhí acu... roimhe sin’.*

⁸⁸ *‘ar lorg téarmaí gnótha’.*

⁸⁹ *‘chun téarmaí do shocrughadh i gcóir na hAireachta sin’.*

order that they may be put before the Academy before they are accepted.’⁹⁰ This was, however, the only reference made to such an ‘academy’, aside from passing reference given to such a concept in the following years. Indeed, a lack of agreed phrases and terminology meant that an abundance of conflicting terms were being coined and employed by differing institutions and Government departments, leading to confusion as to which technical terms should take precedence over another. This, according to Finance Minister Seán Mac an tSaoi, was the greatest hindrance to the promotion of Irish, leading him to recommend in a letter to De Valera on October 2nd, 1936⁹¹ that it was of primary importance to provide terminology as comprehensive as possible before any further step be taken. In the same letter, he highlighted the Interdepartmental Irish Committee’s opinion that widespread official use of Irish in the absence of the appropriate terminology had led to ‘mis-understandings and confusion’, and to this end recommended that a body made up of members of *Rannóg an Aistriúcháin*, the Department of Education, and outside experts be established, who would be responsible for assessing neologisms and determining which singular term for a particular concept be accepted for common use. Later in the same year, a printed dictionary of Irish terms and phrases used by *Oireachtas* staff was released, followed in 1937 by a booklet of official Irish phrases for use in the Civil Service. While this booklet was described by certain officials in the Department of Education as an attempt at creating ‘stereotyped jargon’ in the Irish language, Mac an tSaoi was of the opinion that it was necessary nonetheless. In a Memorandum from Department of Finance regarding typeface and spelling dated February 4th 1939, this duplication in terminology was again referred to, highlighting that ‘while the Government, on the one hand, is spending upwards of £250,000 a year to promote the revival of Irish, it is, on the other hand, in its official publications, creating a babel of conflicting terminology, spelling and type’, and recommending the ‘re-issue of the Dictionary of Terms compiled by the Translation

⁹⁰ ‘...tá le rádh agam anois go bhfuil Acadamh Ghaedhealach curtha ar bun. Dá bhrígh sin budh cheart liosta na dtéarmaí do chur isteach chugainn chomh luath is beidh siad ceaptha ag gach Aireacht, i dtreo is go gcuirfimid ós comhair lucht an Acadaimh iad sar a nglacfar leo.’

⁹¹ See Ó Riain, 1994: 79.

Staff of the Oireachtas, which is urgently required in connection with extending the use of Irish for official purposes’⁹².

While the Finance minister was making calls for the establishment of a body to determine appropriate terminology, an earlier attempt at this had been made in 1928 when Seoirse Mac Niocaill, Chief Inspector of Secondary Schools in the Department of Education, recommended that a Terminology Committee be established. The committee first came together in November 1928, with Mac Niocaill as chair, and other members including Torna, Tomás Ó Máille, a professor of Irish from University College Galway, and Micheál Breathnach, a secondary school inspector. This first inception of a Terminology Committee continued until December 1939, when travel difficulties for those members living outside Dublin due to the Second World War brought an end to committee meetings. While somewhat short-lived, this eleven year terminological endeavour did lead, however, to the production of nine terminological booklets; History and Geography in 1928; Grammar and Spelling in 1930; Science in 1932; Music in 1933, History and Geography (only the part pertaining to History) in 1935; Commerce in 1935; Grammar and Spelling in 1937 (new edition); Gaming in 1938, and Doctoring in 1942 (Ní Ghallochobhair, 2014: 91).

While terminological bodies were established and abandoned, and various booklets of terms produced, official terminology planning can be said to have begun with the establishment of *Rannóg an Aistriúcháin* in 1922. Having been charged with the bilingual provision of all legislation passed by the legislature, *Rannóg an Aistriúcháin* has also been credited with playing a primary role in the development and modernisation of the Irish language for modern usage, particularly as regards the coinage of terminology. As Ó Riain (1994: 78) suggests, ‘there is no doubt that *Rannóg an Aistriúcháin*’s work... was the most significant in adapting the Irish language to all aspects of the 20th century, particularly in the field of new terminology.’⁹³ In order for *Rannóg an Aistriúcháin* to translate legislation into Irish,

⁹² ‘Memorandum for the Government: Adoption of a Uniform Script and Orthography in Irish’, Department of Finance, February 4th 1939.

⁹³ ‘Níl aon amhras ach gurbh é saothar Rannóg an Aistriúcháin... is mó faoi deara an dul chun cinn ollmhór a deineadh in oiriúnú na Gaeilge do gach gné den 20ú céad, go háirithe i réimse na nuathearmaíochta’.

it faced the challenge of developing a legal language in Irish, which in the early years entailed much basic terminology work such as coining new terms, standardising those that already existed, and differentiating between synonymous terms. Having established an extensive glossary of legal terminology in the Irish language, *Rannóg an Aistriúcháin* followed an approach whereby translators followed precedent as regards terminology, in order to ensure consistency with existing documents. This approach is described in an interview between Úna Bhreathnach and current Chief Translator of *Rannóg an Aistriúcháin*, Vivian Uíbh Eachach:

‘For the *Rannóg*, most of the basic terms we use have been created for a long time, and our main aim from a terminology point of view, and this is very important for legal translation, is to ensure that we use the terms we’ve already created and used, that is, the precedents. Precedents are very important to us here, and it’s our business in terminology in general to ensure that we’re keeping to the precedents that we set down ourselves in the Acts and in other legal documents that we’ve supplied up until now.’⁹⁴

Given this reliance on precedent, there has been little need for new legal terminology since the earlier years of the Free State, as Uíbh Eachach describes:

‘For term creation for example in the social welfare acts new allowances or payments are often introduced and so we’d translate that according to the precedents we have. There’s a set layout for titles of benefits and allowance and the like and we stick to that. And of course the basic terms are decided. ‘*Sochar*’ will always be used for ‘benefit’ and ‘*liúntas*’ will always be used for ‘allowance’ and we’ll never depart from that. But for the rest you’d have to put it together, but you’d depend completely on precedent in your work.’⁹⁵

⁹⁴ ‘Maidir leis an *Rannóg*, tá an chuid is mó de na buntéarmaí a bhíonn á n-úsáid againn ceaptha againn le fada an lá, agus sé an phríomhsprioc a bhíonn againne ó thaobh na téarmaíochta de, agus is rud an-tábhachtach é seo ó thaobh an aistriúcháin dhlíthiúil, a chinntiú go bpléifimis leis na téarmaí atá ceaptha agus in úsáid againn cheana féin, sé sin na fasaigh. Tá na fasaigh an-tábhachtach dúinn anseo, agus is é an gnó atá againn ó thaobh na téarmaíochta de i gcoitinne ná a chinntiú go bhfuilimid ag cloí leis na fasaigh atá leagtha síos againn féin sna hAchtanna agus sna cáipéisí dlíthiúla eile atá curtha ar fáil againn go dtí seo.’ - Bhreathnach, 2011: 17-18.

⁹⁵ ‘Ó thaobh cheapadh téarmaí, is minic mar shampla sna hAchtanna Leasa Shóisialaigh go gceaptar liúntas nua nó íocaíocht nua nó a leithéid sin agus mar sin dhéanfaimis é sin a aistriú agus an téarma áirithe a shocrú de réir na bhfasach atá againn. Bíonn leagan amach comhordaithe ar theidil sochar agus liúntas agus a leithéid sin, agus cloímid leis sin. Agus, ar ndóigh, beidh na buntéarmaí

Such a reliance on precedent within *Rannóg an Aistriúcháin* has, however, meant a divergence in the terminology employed by the *Rannóg* and other government agencies, as one translator describes in an interview with Úna Bhreathnach:

‘I personally feel that there is a tradition in the *Rannóg* stretching back, probably, to the period when it was established, of basing terms as much as possible on native roots. For example, ‘*faireachán*’ is used in the *Rannóg* for ‘monitoring’, although it is likely that ‘*monatóireacht*’ is the most common version in other places.’⁹⁶

As such, while the legal terms employed in *Rannóg an Aistriúcháin*’s translations apparently represent something of a terminological ‘standard’ - one term for one concept and no divergence from set precedent - this also means that the terms employed do not necessarily represent those which are in common modern usage, and may in other cases be entirely archaic or contradict the advice of *An Coiste Téarmaíochta*.⁹⁷ This may, perhaps, be a result of the fact that *Rannóg an Aistriúcháin* has never provided a terminology service proper to the public. Ó Ruairc (1997: 21) in particular criticizes the fact that *Rannóg an Aistriúcháin* never shared its terminology with the language community:

‘Despite working diligently for seventy years and sorting a plethora of synonymous terms, *Rannóg an Aistriúcháin* has never shared these equivalent terms with the public (except in *Téarmaí Dlí* and in a small booklet titled *Phrases in English and Irish - Abairtí i mBéarla agus i nGaeidhlig...*)’⁹⁸

socraithe. Beidh 'sochar' ar 'benefit' agus beidh 'liúntas' ar 'allowance' agus ní imeofar riamh uathu sin. Ach an chuid eile ansin bheadh ort é sin a chomhdhéanamh, ach bhraithfeá go hiomlán le linn na hoibre sin ar na fasaigh atá againn’ - ibid.: 18.

⁹⁶ ‘Braithim féin go bhfuil traidisiún sa *Rannóg* ag síneadh siar go dtí an tréimhse ar bunaíodh í, is dócha, leaganacha a bhunú oiread agus is féidir ar fhréamhacha dúchais. Mar shampla, is “*faireachán*” a úsáidtear sa *Rannóg* ar “*monitoring*”, cé gur dócha gur “*monatóireacht*” an leagan is coitianta in áiteanna eile.’ - ibid.: 9.

⁹⁷ In addition to the samples above, where ‘*éascaitheoir*’ for ‘facilitator’, ‘*páirceáil*’ for ‘parking’, and ‘*gníomhaireacht*’ for agency are common usage and recommended by *An Coiste Téarmaíochta*, *Rannóg an Aistriúcháin* continue to use ‘*furasóir*’, ‘*locadh*’, and ‘*áisíneacht*’ for these terms.

⁹⁸ ‘D’ainneoin í a bheith ar obair go dícheallach le seachtó bliain agus raidhse tearmaí comhchiallacha socair aici. níor pháirtigh *Rannóg an Aistriúcháin* na téarmaí coibhéiseacha sin leis an bpobal riamh (seachas in TD agus i leabhrán beag dar teideal ‘*Phrases in English and Irish*’ – ‘*Abairtí i mBéarla agus i nGaeidhlig*’...).’

This exclusivity and reluctance to share terminology has, in Ó Ruairc's (2007: 15) opinion, led to confusion as to correct terminology and, as a result, poor translation;

'The person who coins the second term certainly doesn't know that there is already one in existence. That statement is true for terminology in use in legal texts whether national or European Union, and much of the fault lies with those two organisations [*Rannóg an Aistriúcháin* and the EU] which did not publish their terminology for many years.'⁹⁹

The publication of *Téarmaí Dlí* in 1957 was a vital step towards the dissemination of official Irish language legal terminology, though it was not without its limitations. As a collection, it is rather inadequate, having been compiled from only ten orders and containing many terms which are not quite 'legal' in a technical sense, thus diluting the value of the collection as a whole. While *Téarmaí Dlí* 'had the potential to transform the language... it needed to be supported by all other agencies' (O'Rourke, 2014: 269), yet its contents were not endorsed in de Bhaldraithe's 1959 *English-Irish Dictionary*, nor in the new comprehensive grammar published in 1960. No direction was given in the publication as to how to employ the terms given in a legal domain, and there was, on the whole, a complete absence of litigation through Irish at this time, meaning that the terms were not tested in court.¹⁰⁰ Rather than helping to consolidate Irish as a modern language, *Téarmaí Dlí* was never re-issued, updated, or supplemented in order to encourage such litigatory action. O'Rourke is particularly critical of *Téarmaí Dlí*, describing it as 'a damp squib, a flying star which appeared briefly in the firmament before imploding and disappearing without a trace' (*ibid.* at 269).

Ó Casaide (1997: 45), however, asserts that dissemination of terminology is not the role of the *Rannóg*, stating that 'the first thing to state about *Rannóg an Aistriúcháin*

⁹⁹ 'Is cinnte nach eol don té a cheapann an dara téarma go bhfuil ceann eile ann cheana. Is fíor an ráiteas sin fad a bhaineann le téarmaíocht atá in úsáid i dtéacsanna reachtacha bíodh siad bainteach leis an Aontas Eorpach nó leis an reachtaíocht náisiúnta, agus cuid mhaith den locht ar an dá eagrais sin le blianta fada nár fhoilsigh a gcuid téarmaíochta don saol.'

¹⁰⁰ This is still the position, according to an article by the previous Irish Language Commissioner, Seán Ó Cuirreáin: 'Ó Mhám Trasna go Doire an Fhéich: an Ghaeilge sna Cúirteanna', *Comhar*, Eanáir 2013, 10-11.

is that it is not a service for the public'¹⁰¹, as its primary role is to specialise in a very limited area of legal terminology, and ensure terminological consistency with existing legislation. As such, the coining of terminology by *Rannóg an Aistriúcháin* is merely a by-product; the immediate priority being its use in legislation, rather than its provision in an accessible format to the public, as Uíbh Eachach describes:

‘We here don’t have a planning role, ours is an executive or a practical role; our job is to produce a product at the end of the day and we’re under pressure to do even that, to provide things to a high standard and in a timely fashion. And the first thing that happens to those terms is that they’re inserted into the document that’s being prepared for publication, an act or Dáil paper... we have to do that work on a daily basis. What we do with the terms that are created in that case, be they new terms or precedents, we put them into the product we’re providing, that’s the first thing.’¹⁰²

As Ní Ghearáin (2007: 30) reiterates, ‘terminology in this case is an activity in the realization of an aim, i.e. translation’ and *Rannóg an Aistriúcháin*’s role is not that of a terminology agency. Since the beginning of 2008, however, *Fiontar*¹⁰³ has employed selected *Rannóg an Aistriúcháin* translations in order to compile term lists for iate.europa.eu, the EU’s multilingual terminology database. As part of the wider LEX project, *Fiontar* collect legal terms in Irish and make them available to the public, and to this end, Irish language versions of Statutory Instruments from the years 1976-1981, translated by and chosen upon the advice of *Rannóg an Aistriúcháin* have been, along with other legislative texts, aligned in order to create a

¹⁰¹ ‘is é an chéad rud atá le rá faoi Rannóg an Aistriúcháin ná nach seirbhís don phobal atá ann’.

¹⁰² ‘Ní feidhm pleanála atá againne anseo, tá feidhm fheidhmeach más féidir é sin a thabhairt uirthi. Go praiticiúil; an gnó atá againn ná táirge a sholáthar i ndeireadh an lae agus bíonn brú orainn fiú amháin é sin a dhéanamh, rudaí a sholáthar ar ardchaighdeán agus go tráthuil. Agus sé an chéad rud a tharlaíonn do na téarmaí sin ná go gcuirtear isteach iad sa doiciméad atá á réiteach le foilsiú – Acht nó páipéar na Dála... bíonn an obair sin le déanamh againn go laethúil. Sé an rud a dhéanaimidne leis na téarmaí atá ceaptha sa chás sin, bídis ina dtéarmaí nua nó ina bhfásaigh, sé an rud a dhéanaimid ná iad a chur isteach sa táirge atá á chur ar fáil againn, sin an chéad rud.’ - Bhreathnach, 2011: 93.

¹⁰³ A school within Dublin City University which specialises in interdisciplinary teaching and research through the medium of Irish and which developed and manages the online Irish language resources *tearma.ie*, *logainm.ie*, *ainm.ie* and *dúchas.ie*, as well as other projects in language technology and the digital humanities.

translation memory and parallel corpus of legal terms¹⁰⁴. Despite this, it is noted on the *gaois.ie* website that:

‘Some terms in this collection are not to be found in any of the main Irish language terminological sources. Although they may be of interest to researchers and translators, it should be noted that the only status they currently have is that they were extracted from the aforementioned Statutory Instruments. They will not have official status until they are approved by *An Coiste Téarmaíochta*.’

As such, where *Rannóg an Aistriúcháin* insist on precedent, those legal terms which they continue to employ may no longer have any authoritative status unless made official by *An Coiste Téarmaíochta* - further adding to the argument that an adherence to terminological precedent in the *Rannóg* may equate to a move away from popular modern usage. While this could well be remedied by further integration with the academic and terminological Irish language communities, it does not appear that a terminological standard in Irish, nor an updating of legal terms in *Rannóg an Aistriúcháin* to come in line with those employed outside the section, will be attempted at any point in the near future.

1.4.6. Irish language terminology & Foclóir de Bhaldraithe, 1959

The Department of Education’s decision to appoint Tomás de Bhaldraithe, an Irish lecturer in University College Dublin, as editor of the English-Irish Dictionary (EID) was of great importance as regards the development of Irish language terminology, and the preface to the dictionary provides great insight into his methodological approach in compiling the dictionary itself. Here, de Bhaldraithe outlines the fact that EID sought to provide equivalent Irish language versions of English words and phrases which were in common usage at the time, as opposed to a vocabulary of literary or even native spoken Irish; an aim which was based on that of Harrap’s English-French Dictionary. In a similar manner, he references (1959: v-vi) the buzz of activity in the coining of Irish language terminology upon the foundation of the Irish Free State, and the difficulties this presented:

¹⁰⁴ Available on *www.gaois.ie*. See Introduction for more information on the GA IATE project and *gaois.ie*.

‘With the inception of the movement for the preservation of the Irish language, and more particularly with the founding of the State, the need for the extension of the vocabulary became more urgent, in order to meet the new demands made on the language, in fields from which it had formerly been neglected. The ways in which these demands have been met, during a period of abnormal development in the language, have created certain problems for the lexicographer. A new word has sometimes been coined where an equivalent... was already well established in traditional speech... Such unnecessary coinings have not been included here.’

In this regard, de Bhaldraithe (1959: v) provides examples of equivalent Irish language terms for one English language concept which he had found in textbooks and exam papers which were in current use in schools in the Irish Republic, namely eighteen different versions of the scientific prefix ‘hydro’ (thirteen of which were based on Greek, and five based on Irish) and also eighteen differing versions of the term ‘telescope’. While superfluous terms were cast to one side in the compilation of EID, those neologisms without native equivalents that were widely adopted by Irish speakers were included in the dictionary, as de Bhaldraithe explains;

‘New words which have gained wide currency and for which there are no equivalents in the traditional speech are, of course, accepted. Modern technical terms have been coined by different authorities and individuals, with the result that, in some fields, there has existed a superabundance of conflicting terms. An attempt has been made here to choose, with the advice of specialists in each particular field, one Irish equivalent for an English term.’

In this manner, de Bhaldraithe’s treatment of new terminology mirrors Ó hÓgáin’s maxim regarding the importance of clarity and singularity of use and meaning in technical terms, meaning that EID was an invaluable terminological resource for Irish speakers and learners alike. More than half a century after its first publication, however, EID is hugely out-dated and suffers from great terminological limitations, despite the subsequent publication of an appendix to the dictionary entitled *Terminological Additions and Corrections* in 1978. Furthermore, the *Caighdeán Oifigiúil*, or standard Irish, was not published in time in order to be fully implemented in EID at the time of its publication in 1959 and, accordingly, the spelling and grammar of the Irish versions in the dictionary are not wholly compliant

with the *Caighdeán Oifigiúil*. As a result of such inadequacies, EID has since been superseded by *Foras na Gaeilge*'s 'New English-Irish Dictionary', launched in January 2013.

1.4.7. An Buanchóiste Téarmaíochta, 1968 onward

Changes to the school syllabus at the beginning of the 1960s meant that de Bhaldraithe's 1959 English-Irish Dictionary alone was inadequate for teaching through the medium of Irish. As a result of the growing need for new terminology appropriate for use in secondary education, de Bhaldraithe recommended in a paper submitted to the Department of Education in 1966 that one central terminological authority be established - a permanent committee with a library, office, and a full-time secretary, with experts appointed as committee advisors. Following this, in 1968, a scheme was proposed to give financial assistance to publishers who would translate textbooks into Irish for the new syllabi, further increasing the need for the production of official terminology. Tomás Ó Floinn, assistant secretary in the Department of Education thus recommended that a permanent Terminology Committee be established, which was fulfilled that same year, in 1968, with Ó Floinn as chairperson. A wide-ranging representation was sought on the committee as regards expertise in the Irish language and requirements of the education system, and to this end, committee representatives included university professors, *Rannóg an Aistriúcháin* translators, lexicographers such as Tomás de Bhaldraithe and Niall Ó Dónaill, and primary, secondary, and vocational school inspectors.

Among the primary responsibilities of *An Coiste Téarmaíochta* was the outlining of those areas which would require terminological provision, to compile a list of those terms which were to be discussed by the committee, to ensure provision of those terms which were already available, to establish those principles by which terminology would henceforth be coined, to appoint working committees to provide terminology in particular subjects, to assess the work of these working committees, to publish and publicise terminological lists, and to be permanently responsible for the overall assessment of terminological matters in the Irish language. Such responsibilities were summarised in Minister for Education, Brian Lenihan's, announcement of the Committee in the Dáil in 1968:

‘I... wish to announce the establishment of a permanent committee for the production of an authoritative standard terminology in Irish... The Permanent Terminology Committee now established will be responsible for the production, publication and publicising - through *An Gúm* - of all the terminology required to meet the needs of teaching through Irish at all levels and for keeping the position in regard to terminology under constant review’

The first committee of six members - Tomás Ó Floinn, Tomás de Bhaldraithe, Niall Ó Dónaill, Séamus Daltún, Micheál Ó Siochfhradha, and Brother Donnchadh Ó Muineog - had their inaugural meeting on December 19th 1969. Between 1966 and 2008, *An Coiste Téarmaíochta* compiled and published twenty-eight terminological dictionaries on a wide range of subjects, ranging from Agricultural Science (1976) to Geography and Planning (1981), Music (1985) to Business Studies (1989), and various subjects in between, as well as other compilations in the form of A4 lists to be distributed to inspectors, teachers, and students upon request. As of 1999, following the Good Friday Agreement, *An Coiste Téarmaíochta* and its functions were transferred to *Foras na Gaeilge*, and the current committee of 20 members, as well as the sub-committees of smaller groups of experts in specialized fields, continue to meet on a monthly basis to discuss terminological matters.

Chapter Two

Theoretical Applications & Methodology

CHAPTER TWO

Theoretical Applications & Methodology

2.1. Equivalence and Translation

2.1.1. Equivalence Defined

“Both the practice and the theory of translation abound with intricacies, and from time to time attempts are made to sever the Gordian knot by proclaiming the dogma of untranslatability.” This ‘dogma of untranslatability’ referred to by Roman Jakobson in his seminal paper ‘On Linguistic Aspects of Translation’ (1959: 128) formed the basis of the approach to translation favoured in structuralist linguistics. Here, the principle of linguistic relativity¹⁰⁵ argued that the differing ways in which languages encode cultural and cognitive categories ultimately affects the way speakers of differing languages think. Owing to this - and to the overwhelming differences in the grammatical structures of languages - it was argued that no two words were ever similar enough to be completely translatable out of their language system - translation simply should not be possible. And yet, translation existed. As French theorist Georges Mounin contested (1963: 5), ‘if the current theses on lexical, morphological, and syntactic structures are accepted, one must conclude that translation is impossible. And yet translators exist, they produce, and their products are found to be useful’. Either translation did not exist, or the dominant linguistic theories of the time were inadequate. As such, it was against this contextual backdrop and in an attempt to explain something which the prevalent linguistics of the day could not, that the main theories of equivalence first originated.

Advocates of equivalence-based theories of translation generally define equivalence as the relationship between a source text and a target text that allows the latter to be considered as a translation of the source text in the first place. Garcia (2003: 1) describes the theory of translation as being ‘based on an understanding of two texts: a source text which is to be translated and a target text which is the result of the actual translation process. The task of the translator is to establish a relationship of

¹⁰⁵ Also known as the Sapir-Whorf hypothesis, named after linguists Edward Sapir and Benjamin Lee Whorf, from whom the principle originated.

equivalence between the source and target texts, i.e. a substantive homogeneity'. Anthony Pym (2009: 6) adds to this description of equivalence by stating that,

‘The term “equivalence” roughly assumes that, on some level, a source text and a translation can share the same value (“equi-valence” means “equal value”), and that this assumed sameness is what distinguishes translations from all other kinds of texts.’

As any linguist would suspect, however, an assumption of ‘sameness’ between two languages may be divisive, and while equivalence is a central concept in translation theory, it is similarly a controversial one. Theorists such as Snell-Hornby and Gentzler have jettisoned the theoretical notion of equivalence, claiming it to be irrelevant (Snell-Hornby, 1988), damaging (Gentzler, 2001) and ‘presenting an illusion of symmetry between languages’ (Snell-Hornby, 1988: 22), arguably as a result of a misunderstanding or narrow reading of the underlying concept. In defence of the merits of equivalence theory, however, advocates of equivalence have concentrated on developing typologies of equivalence in order to ascertain this ‘sameness’ to which Pym refers, by focusing either on the rank (word, sentence or text level) at which equivalence is said to obtain, or on the type of meaning (denotative, connotative, pragmatic, etc.) that is said to be held constant in translation.¹⁰⁶

For example, equivalence is frequently established on the basis of the various following typologies; *referential* or *denotative equivalence*, where the source language form is replaced by a target language form which basically refers to the same ‘thing’; *connotative equivalence*, where the source language and target language words trigger the same or similar associations in the minds of native speakers of the two languages; *text-normative* equivalence, where the source language and target language words being used are in the same or similar contexts in their respective languages; *pragmatic* (Koller, 1989: 102) or *dynamic* (Nida, 1964) equivalence, where the source language and target language words have the same effect on their respective readers; and *formal* equivalence, where the source language and target language words have similar orthographic or phonological features.

¹⁰⁶ See Kenny, 2011: 77-80.

As such, while previous debates in the world of structuralist linguistics had centred on incompatibilities between the worlds inhabited by speakers of different languages and on the structural dissimilarities between languages, once attention was focused on texts and utterances, many of the potential multiple meanings and functions of words and structures in a language system could be eliminated by reference to their cotext and context, making translation at once more tractable and more realistic.¹⁰⁷ As such, the general view in translation studies soon came to be that equivalence equated to a relationship between texts in two separate languages, as opposed to a relationship between the languages themselves. As evidenced in the diverse readings of equivalence given above, however, merely reducing equivalence to a relationship between texts instead of languages still left the theory wide open for varying interpretations of the concept of equivalence itself, and how best to quantify it in translation. Pym (1992), however, successfully avoids this difficulty by moving away from the strictly linguistic to view translation as a transaction, with equivalence as equality of exchange value. In other words, equivalence becomes a negotiable entity, with translators doing the negotiation (Kenny, 2011). To this end, he posits an equivalence ‘paradigm’, theorised by two competing conceptualisations; *natural* equivalence, and *directional* equivalence.

2.1.2. Natural vs. Directional Equivalence

In an endeavour to both reinforce the validity of equivalence as a theoretical concept, and to provide some clarity as to how various theorists’ interpretations of equivalence can be somehow aligned, Pym (2009: 3) attempts to ‘underscore the complexity of equivalence’ through the ‘equivalence paradigm’. Equivalence, he claims, does not say that languages are the same; it just says that values can be the same, and that the various differing theoretical interpretations of equivalence can be fitted into this broad paradigm. Under the umbrella of this hypothesis, the equivalence paradigm can be broken down into two sub-paradigms; natural equivalence, and directional equivalence. The sub-paradigm of natural equivalence encompasses those words or units of equal value which are presumed to exist *prior* to the act of translation. In other words, one may translate from language A into

¹⁰⁷ See *ibid.*

language B and back again, and arrive back at the same word or unit one began with. This kind of ‘natural’ equivalence is opposed to ‘directional’ equivalence, which does not assume that the relationship between the source language word or unit and that of the target language is either natural or reciprocal. In short, if one were to translate the source language word or unit from language A into language B, and back again, the result in language A need not be the point from which you started. If this is so, and the specific word or unit in both texts does not exist prior to the act of translation, this means that a directional translation is thus the result of active *decisions* made by the translator- (s)he has had to choose between various equivalent options in the target language, or even invent one. These competing conceptualizations - much like equivalence theory in its broader sense - are not without their interpretational difficulties, however. As Pym (2009: 6-7) notes,

‘the intertwining duality of those notions allows for considerable subtlety in some past and present theories. It also creates confusion, not only in some of the theories of equivalence themselves but also in the many current arguments *against* equivalence.’

Indeed, within one translation, one may come across examples from both elements of the equivalence paradigm, which themselves encompass a range of differing translation procedures posited by various translation theorists. As such, how are these procedures placed on the two ends of the equivalence paradigm, and how may they each apply to a corpus of translated legislative material?

2.1.3. Natural Equivalence

As Pym (2009: 19) contests, ‘in a period of structuralism that seemed to make translation theoretically impossible, the concept of natural equivalence defended the existence of translation as a vital social practice’. Theories of natural equivalence were an intellectual response to the structuralist vision of languages as world-views, and as the sub-paradigm developed, theorists produced lists of equivalence-maintaining methods and procedures that attempted to explain exactly what it is that translators do. In short, the theory argued that not only were humans capable of grasping concepts outside of our own linguistic and cultural systems, but that we could translate those concepts to a new audience. Here it makes sense to remind ourselves what exactly is ‘natural’ in equivalence. What counts is what is usually

said in the target culture; that is, that what you need in the target language is the common term corresponding to that very vague notion. The common expression on the one side should correspond to the common expression on the other. This is the sense in which we find the word ‘natural’ in definitions like the following from Nida and Taber (1969: 12):

‘Translating consists in *reproducing* in the receptor language the *closest natural equivalent* of the source-language message’¹⁰⁸

The sub-paradigm of natural equivalence has produced several procedures for identifying what is ‘natural’ in a translation. Vinay and Darbelnet (1958), for example, consistently defended the virtues of natural equivalence, working from examples to define seven general strategies for maintaining this kind of equivalence; 1. *Loan-* borrowing a source language term in the target text; 2. *Calque-* a special type of borrowing in which the borrowed expression is literally translated into the target language; 3. *Literal Translation-* where a source language text is rendered into the appropriate idiomatic or grammatical equivalent in the target language; 4. *Transposition-* where one word class is substituted with another without changing the meaning of the message; 5. *Modulation-* which involves a change in point of view (e.g. changing part of speech); 6. *Correspondance (équivalence)-* rendering the same effect in the source and target texts by employing different stylistic and structural methods, and 7. *Adaptation-* applying an equivalent cultural term in the target text to equate to what would be equivalent culturally in the source text. The seven procedures go from the most literal (at the top) to the most re-creative (at the bottom), described by Vinay and Darbelnet as from the easiest to the most difficult and, as Pym (2009: 13-14) states, ‘this makes some sense if we consider that the bottom situations are the ones where the translator probably has the most options to choose from... the translator might first try the “literal” procedure to see what that gives; if that does not work, the translator can either go up the table (closer to the source) or down the table (closer to the target culture). This means that not all the procedures necessarily count as good ways to produce natural equivalence- in each case, translators are only required to do the best they can.’ For Vinay and Darbelnet, equivalents categorized as ‘natural’ are those which have developed without

¹⁰⁸ italics added.

interference from linguists, translators, or even from other languages and, as such, the best translations are those found when you are not translating. This is a mode of thought utilised when one looks for solutions in ‘parallel texts’; non-translational target-language texts on the same topic as the source text (Pym, 2009: 12).

Herein lies the irony of ‘natural’ equivalence- all specialized fields of knowledge have their terminologies; they are unnaturally creating ‘natural’ equivalents all the time. To what extent, then, is ‘natural’ equivalence actually natural? Many of the theories in the sub-paradigm are rather vague about how natural equivalence works, generally assuming that there is a referent, a function, or a message that stands outside all languages and to which two languages can refer (Pym, 2009: 17). That thing would be a third element of comparison, a *tertium comparationis*, available to both sides. The translator thus goes from the source text to this thing, then from the thing to the corresponding target-text. Non-natural translations, in comparison, will result when one goes straight from the source-text to the target-text. Perhaps the best known account of this process is the one formulated by the Parisian theorist Danica Seleskovitch. For her, a translation can only be natural if the translator succeeds in forgetting entirely about the form of the source text, instead ‘deverbalizing’ the message within. To this end, one is only aware of the sense which can be translated into all languages; further discrediting the structuralist linguistics stance as regards translation. This is the basis of what is known as the theory of sense (‘*théorie du sens*’ - Seleskovitch, D. & Lederer, 1984), a process model of natural equivalence formulated by Seleskovitch together with Marianne Lederer. Such an approach is reminiscent of that of An t-Athair Peadar Ó Laoghaire, whose strict views on translation which were expressed in a number of articles that were subsequently published posthumously as *Papers on Irish Idiom*. In one such article (1929: 92), he recommends the following as regards English-Irish translation:

‘Read over the English matter carefully. Take all the ideas into your mind. Squeeze the ideas clean from all English *froth*. Be sure that you allow none of that oozy stuff to remain. English is full of it... When you have the ideas cleared completely of foreign matter, put them into the Irish side of your mind and shape them in the Irish language, just as you would if they has been your own ideas from the start.’

In other words, in order to attain the most idealistic natural equivalence, the ultimate aim is to find the pre-translational equivalent of that which is to be expressed. While such an idea certainly holds merit - after all, a translation which reads as a translation is widely accepted as something to be avoided - one must question the role of subjectivity in such an approach. Whose 'sense' or 'idea' are we to take from the source text; that of the author, or that of the translator? A translation methodology which relies so heavily upon a personal reading of the source text may well prove fruitful in the rendering of a literary text, but what of official documentation such as legal material? Could a step away from a linguistic approach to translation equate to a step away from fidelity to the text, and if so, would a more directional approach to legislative translation prove more befitting?

2.1.4. Directional Equivalence

On the opposite end of the equivalence paradigm to what is considered 'natural' equivalence, we find 'directional' equivalence. As we have seen, directional equivalence is an asymmetric relationship where the creation of an equivalent through translation does not imply that the same equivalence will be found through back-translation; i.e. if one translates from language A into language B, and back again, they may not necessarily end up with what they started with. To this end, in order to see whether an equivalent is either natural or directional, the simplest test is back translation- taking the translation and rendering it back into the source language, and then comparing the two source language versions.¹⁰⁹ When natural equivalence prevails - that is, that the two source language versions are the same - this is because the correspondence existed in some way prior to the act of translation. Where it does not, however, this would suggest that the translation is directional. Directional equivalence occurs when the translator has a choice between several translation strategies, and those strategies are not dictated by the source text. Like its natural counterpart, therefore, directional equivalence unravels the apparent 'impossibility of translation' posited by structuralist linguistics, as equivalence becomes so possible that there are many ways of achieving it.

¹⁰⁹ See Ó Cearúil, 1999 for examples of this in practice.

One writer on lexical equivalence whose theorizing works to substantiate this point is Otto Kade, who proposed in 1968¹¹⁰ that equivalence at the level of the word or phrase comes in four modes: ‘*one-to-one*’, as in the case of stable technical terms; ‘*one-to-several*’, when translators have to choose between alternative corresponding terms; ‘*one-to-part*’, when the available equivalents are only partial matches, or ‘*one-to-none*’, when translators have to create a new solution by coining neologisms or perhaps borrowing from the foreign translators. Kade describes ‘one-to-one’ relationships as ‘total equivalence’ and considers the clearest examples thereof to be technical terms. Those relationships are obviously two-way: we can go from language A to language B and then back to A. While such examples thus fit in with the ideal of natural equivalence, the majority of examples of ‘one-to-one’ equivalence are terminological phrases, which have been specifically formulated by translators to match the source phrase and are thus highly directional in their nature in this respect. The ‘one-to-several’ and ‘one-to-part’ cases are similarly directional in practice, as there is no guarantee that back-translation will bring us back to the same place. As Pym (2009: 28-29) has it, ‘Kade sees ‘one-to-several’ equivalence as being choice-based- reinforcing the idea that directional equivalence results when the translator has to choose between several differing translation strategies.’

While it may thus be postulated that Kade’s entire theory is ultimately directional, it is a rarity as regards directional translation strategies in that it provides four approaches to translational equivalence. Most strategies under the sub-paradigm of directional equivalence tend to be expressed in terms of two opposed poles, where one pole is a strategy that stays close to the source text form (‘literal’ translation) and the other pole is a strategy that departs from that form (‘free’ translation). One example of such a dichotomy is found in English translation critic Peter Newmark’s theorizing, which distinguishes between ‘semantic’ and ‘communicative’ translation. The semantic kind of translation seeks to retain the formal values of the source text as much as possible, while the communicative kind seeks to adapt as much as possible to the needs of target text audience. Newmark’s preferences tend to lie on the ‘semantic’ side, particularly with regard to what he terms ‘authoritative texts’. Of course, there can be no text more authoritative than the letter of the law, and one may

¹¹⁰ See Kade, 1968.

hypothesise that a semantic approach to the translation of legal documents would be the more favourable approach. Indeed, in the case of our corpus of legal material translated by *Rannóg an Aistriúcháin*, a strict adherence to the lexical and semantic conventions of the source text would be crucial, particularly given the constitutional status of the Irish language in the Republic of Ireland as the national and first official language, and the provisions made in Article 25.4.6° of the 1937 Constitution as regards conflict of the texts of EN and GA Irish laws. In short, should *Rannóg an Aistriúcháin* have followed a communicative as opposed to a semantic approach in their translations, the law itself may have been altered as a result. A similar - and perhaps the best known - theory of equivalence formulated in this polarised manner is that developed by the American linguist and Bible scholar Eugene Nida in his pioneering 1964 text *Toward a Science of Translating*, in which he outlines two basic ‘types of equivalence’ (1964: 159): formal and dynamic.

2.1.5. Dynamic vs. Formal Equivalence

Dynamic and formal equivalence are terms coined by Nida to describe two different methods of translation. In Nida’s own words (1964: 159), the fundamental difference between the two approaches is that dynamic equivalence is based upon ‘the principle of equivalent effect’, while ‘formal equivalence focuses attention on the message itself, in both form and content’. As such, the two approaches outlined have generally been fundamentally understood as ‘sense-for-sense’ translation (trying to recreate the *function* the words might have had in their original situation) and ‘word-for-word’ translation (following the words and textual patterns closely), respectively. One example given by Pym (2009: 7-8) to illustrate this variation in approach focuses on the cultural variants used to denote bad luck. In English-speaking cultures, ‘Friday the thirteenth’ is considered the day of ill fortune, while in Spanish culture, the so-called ‘unlucky’ day is actually Tuesday the thirteenth/Martes 13. Nida, Pym posits, may look at the Spanish ‘Martes 13 and see that there are two ways of rendering it: either as ‘Tuesday the thirteenth’ or as ‘Friday the thirteenth’. The first option would be ‘formal equivalence’ - mimicking the *form* of what is said in Spanish- while the second would be ‘dynamic equivalence’ - activating the same or similar cultural function. While the terms ‘dynamic equivalence’ and ‘formal equivalence’ were originally coined to describe different ways of translating the

Bible (Nida's personal area of expertise), the two approaches can thus be applied to the translation of any text.

As with Newmark's theory of 'semantic' translation, formal equivalence tends to emphasise fidelity to the lexical details and grammatical structure of the source text. Dynamic equivalence, by contrast, follows in the vein of Newmark's 'communicative' translation in that this approach to equivalence tends to favour a more natural rendering of the source text. This may occur in cases where readability of the translation takes precedence over the preservation of the original grammatical structure. In later years, Nida distanced himself from the term 'dynamic equivalence', preferring the term 'functional equivalence' (De Waard & Nida, 1986: vii) in order to avoid possible misunderstanding. This replacement term would appear to suggest that not only does equivalence mean that the function of the source text in the source culture equates to that of the target text in the target culture, but that 'function' itself could become a property of the translated material. In order to ascertain if, and to what extent, this second set of polarised approaches to achieving equivalence may apply to our corpus, we must first investigate further how each apply in practice. From this, we can hypothesise as to what role theories of dynamic and formal equivalence may play in the translation of legal texts, and more specifically, to our own corpus of Irish/English translated legislative material.

2.1.6. Dynamic Equivalence

Dynamic equivalence, as posited, is based on what Nida (1964: 159) calls 'the principle of equivalent effect', where 'the relationship between receptor and message should be substantially the same as that which existed between the original receptors and the message'. In short, the message must be tailored to the receptor's linguistic needs and cultural expectations. The same idea is expressed in his second book, *The Theory and Practice of Translation*, in which he adds (1969: 24) that this response between readers of the translation and that between readers of the source text 'can never be identical, for the cultural and historical settings are too different, but there should be a high degree of equivalence of response, or the translation will have failed to accomplish its purpose.' As such, Nida (1964: 166 and 1969: 12) defines the ultimate aim of dynamic equivalence as seeking 'the closest natural equivalent to the

source language message,’ and to this end, he proposes ‘four basic requirements of a translation,’ (1964: 164) which are:

- (1) making sense;
- (2) conveying the spirit and manner of the original;
- (3) having a natural and easy form of expression;
- (4) producing a similar response

The aim of dynamic equivalence is to meet all four requirements, and where conflict arises in the translation, Nida considers that ‘correspondence in meaning must have priority over correspondence in style’ if equivalent effect is to be achieved. Such a ‘receptor-orientated approach considers adjustments of grammar, of lexicon and of cultural references to be essential in order to achieve naturalness’ (Munday, 2012: 67) and the target text, therefore, should not show interference from the source language. As such, any ‘foreignness’ in the translation should be minimized. Such a method of attaining dynamic equivalence echoes the polarised approach posited by Friedrich Schleiermacher (1813, in R. Schulte & J. Biguenet, 1992: 36-54), who described the process of translation as follows:

‘Either the translator leaves the author in peace, as much as possible, and moves the reader toward that author, or the translator leaves the reader in peace, as much as possible, and moves the author toward that reader.’¹¹¹

To this end, we see that a move in the direction of dynamic equivalence involves a rendering of the source text which involves specific, strategic decisions and changes made by the translator during the process of translation. While adjustments of grammar, of lexicon, and of cultural references are recommended in order to achieve ‘naturalness’, one must question to what extent this freedom of translation imposes upon the fidelity of the source text? Would such an approach be more befitting of literary as opposed to legal translation, and how may a receiver-orientated approach to the translation of law impact upon fidelity to the source-language legislative material? As Šarčević (2000: 331) has it, ‘for the sake of preserving the letter of the law, legal translators have traditionally been bound by the principle of fidelity to the source text. As a result, it was generally accepted that the translator’s task is to reconstruct the form and substance of the source text as closely as possible. Thus literal translation (the stricter the better) was the golden rule for legal texts’. If an

¹¹¹ Translation by Anthony Pym.

adherence to the *form* of the source text is preferable to an adherence to the *effect* thereof, would a formal approach to equivalence prove a more appropriate methodology as regards legal translation?

2.1.7. Formal Equivalence

The principle of formal equivalence posits that fidelity to the source text as regards form and subject should be retained as far as possible in the translated target text. Nida (1964: 159) defined formal equivalence as a method which ‘focuses attention on the message itself, in both form and content’. This translation ‘is concerned with such correspondences as... sentence to sentence, and concept to concept. Viewed from this formal orientation, one is concerned that the message in the receptor language should match as closely as possible the different elements in the source language.’ As such, formal equivalence- later referred to as ‘formal correspondence’ (Nida & Taber, 1969: 22-28) - differs from dynamic equivalence in that the translation is keenly oriented towards the source text structure. This, in turn, exerts strong influence in determining fidelity to the source text. Nida (1964: 159) calls this kind of structural equivalence a ‘gloss translation’, in which the translator attempts to reproduce as literally and as meaningfully as possible the form and content of the original. A ‘gloss translation’, therefore, may resolve all lexical and grammatical differences between the source and target texts by remaining as close as possible to the conventions of the source material. A formal approach to achieving equivalence in translation is supported by Cesana’s assertion (1910: 188, as translated in Šarčević, 2000: 37) that ‘it is fidelity to the original which counts, not the beauty or elegance of the target language’, and this view is supported by Weisflog (1987: 194) who, in his paper ‘Problems of Legal Translation’ advocates formal equivalence as an approach to legislative translation. While terminological synonymy is a common feature of legal terms in legal languages, it is arguably of particular importance for a minority language such as Irish (not least given its weakened status and lack of appropriate terminology during this period of study) that one legal English term equal one Irish legal term. At the very least, given the prioritative status given to the Irish language in the context of legal translation in the Republic of Ireland, one would expect that a number of legal Irish terms would not be used interchangeably for different legal concepts.

Despite the obvious benefits of a formal approach to achieving equivalence in translation- particularly in such ‘authoritative’ texts as our corpus of legislative material- in Nida’s later work, *The Theory and Practice of Translation*, he becomes somewhat critical of a formal approach, and in the glossary, has this to say about what he now refers to as ‘formal correspondence’ (1969: 201):

‘Typically, formal correspondence distorts the grammatical and stylistic patterns of the receptor language, and hence distorts the message, so as to cause the receptor to misunderstand or to labour unduly hard.’

This distortion of the message contained in the source text would appear to suggest that formal equivalence is often more a goal than reality; if only because one language may contain a word for a concept which has no direct equivalent in another language, leading to a case for a more dynamic approach where a neologism may be created or loan word used in the target language to represent the concept. As suggested by Jakobson (1959, in Venuti, 2012: 127), ‘synonymy, as a rule, is not complete equivalence’, and a literal approach to translation is not necessarily one which lends itself to a successful rendering of the source text. This issue of difficulty in following the meaning of a text translated according to the rules of semantic translation is reiterated by Newmark (1984: 39) in his assertion that ‘semantic translation remains within the original culture and assists the reader only in its connotations if they constitute the essential human (non-ethnic) message of the text.’ As regards legal texts, such as those in our own corpus, Newmark (1984: 47) suggests that,

‘Every word has to be rendered, differences in terminology and function noted, and as much attention paid to the content as to the intention and all possible interpretations and misinterpretations of the text [and] thus the semantic aspect; nevertheless the standard format, syntax, archaisms, as well as the formal register of the TL, must be respected in dealing with documents that are to be concurrently valid in the TL community, hence the communicative aspect.’

With this in mind, we see that the translation of legal documents is a much more demanding type of translation; while it is semantic in principle, it very often has communicative aspects as the texts are informative and must be fully understandable

by the target language reader. This importance of terminological equivalence is reiterated by Garcia (2003: 4), stating that,

‘In the translation of legal terms, one often resorts to pairs of terms which appear somehow connected by a relationship of equivalence... They function differently than synonyms; the terms “mean” the same thing to jurists, even though they are not identical. They are also not really similar because they exist in the context of different legal and language systems, but still they remain comparable. It can be safely said that the functional method of comparative law has proven the comparability of such legal terms.’

Newmark’s definition above delivers a strong argument for the incorporation of some of the methods that are typical of dynamic equivalence, combined with that of a more formal approach. To this end, by 1993 Nida himself had further pushed the inclusion of the ‘receptor’ in his account of formal equivalence, stating that (1993: 116):

‘...it is essential that formal equivalence is stated primarily in terms of a comparison of the way in which the original receptors understood and appreciated the text and the way in which receptors of the translated text understand and appreciate the translated text.’

This considered inclusion of and preference given to the receptors’ understanding of the source text in this later definition is more reminiscent of a dynamic approach to equivalence, and would appear to suggest that Nida- like Newmark- had begun to see the best strategy in attaining equivalence as one which incorporated aspects of both dynamic *and* formal procedures. Such gaps in the theory led to a questioning of the equivalence paradigm which, having enjoyed a certain heyday in the 1960s and 1970s, was narrowed by Hans J. Vermeer’s *Skopos* theory¹¹².

Describing the *Skopos* theory, Christiane Nord (1997: 11) writes that ‘translation cannot be considered a one-to-one transfer between languages... translation theory cannot draw on a linguistic theory alone... What is needed is a theory of culture to explain the specificity of communicative situations and the relationship between verbalized and non-verbalized situational elements.’ In this manner, the *Skopos* (the

¹¹² *Skopos* theory is dealt with in more detail in section 2.2.4.

Greek word for ‘aim’ or ‘purpose’) theory appeared to address that which was lacking in previous applications of formal and dynamic equivalence, thus bridging the gap between the two. Under this theory, the top-ranking rule for any translation is the *skopos* rule, which says that a translational action is determined by its *skopos*, or aim. Vermeer (2004: 20) explains the rule as follows:

‘Each text is produced for a given purpose and should serve this purpose. The *skopos* rule thus reads as follows: translate/ interpret/ speak/ write in a way that enables your text/translation to function in the situation in which it is used and with the people who want to use it and precisely in the way they want it to function.’

Should the relationship between source and target text conform to the requirements of the translation brief, as posited above, Vermeer speaks of ‘intertextual coherence’ or ‘fidelity’. The *coherence rule* states that the target text ‘must be interpretable as coherent with the target text receiver’s situation’ (Reiss & Vermeer, 1984: 113). In other words, the target text must be translated in such a way that it makes sense for the target text receivers, given their circumstances, knowledge and needs. Should the translation fail to fit the needs of the target text receivers, it is simply not adequate for its purpose. The *fidelity rule*, on the other hand, states that (*ibid* at 114) there must be coherence between the *translatum* and the source text or, more specifically, between (i) the source text information received by the translator; (ii) the interpretation the translator makes of this information; (iii) the information that is encoded for the target text receivers. In this manner, one may equate Vermeer’s coherence rule and fidelity rule with Newmark’s communicative and semantic approach to translation, or Nida’s dynamic and formal methods of achieving equivalence. Where the *Skopos*/Functionalist theory differs, however, is that while Newmark and Nida’s methodologies were polarised and oppositional in their nature, Vermeer’s theory unites these approaches in order to attain an all-encompassing target-text product. It is for this reason that a functionalist approach to legislative translation has been posited as a favourable by various theorists, and Vermeer (1986: 34) himself extends the validity of his *Skopos* theory explicitly to legal translation providing practical examples of its application to specific text types. How, then, could a functionalist approach as opposed to one of equivalence be presented as the preferable translation strategy to be utilised in legislative texts, in what ways may such an approach be evidenced in our own corpus of translated legal material?

2.2. Legal Translation

2.2.1. Translation Theory and Legal Translation

Legal translation has been described by researchers such as Giuliana Garzone (2000: 1) as a category in its own right, primarily due to the complexity of legal discourse and the terminological precision of specialised translation. The specificity of legal language, the system-bound nature of legal terminology and the nation-state basis of law with all its attendant cultural considerations are among the many factors which pose systemic challenges for the translator of legal texts. As such, attempts to arrive at a theoretical consensus which may be generally applied to this field of translation have proven problematic. As Šarčević (2000: 2) points out, linguists and lawyers alike have in the past made attempts to apply more general theories of translation - most notably Catford's concept of situational equivalence (Kielar, 1977: 33) and Nida's theory of formal correspondence (both of which have been considered previously) - to legal texts. Others, however, dispute the applicability of translation theory to legal translation (Weston, 1987) due to the supposed inadequacy of existing theoretical models of translation as regards this type of specialized text. As Šarčević (2000: 2) has it,

‘As a result of the importance attached to the letter of the law, most studies are devoted to questions of terminology, while textual and pragmatic considerations tend to be ignored. There appears to be no consensus among lawyers and linguists on acceptable translation techniques, let alone on a theoretical approach to legal translation.’

Such is the distinctive nature and quality of legal texts that legislative translators encounter challenges in their work which are particular to this sector; a factor recognised by jurists and jurilinguists (Gémar, 1995: 144) and one which contributes to the idea that ‘general translation theory, albeit conceived for comprehensiveness and extensive application, seems somehow inadequate’ (Garzone, 2000: 3). From a purely formal perspective, as Garzone (*ibid*) has it, legal writing is ‘typically ritualistic and archaic, being subject to very strict stylistic conventions in terms of register and diction as well as highly codified genre structures... from macro-structure of texts, to paragraphs, sentences and phrases, with systematic resort to standardised forms, archaic, uncommon, stock phrases, rigid collocations and specialised cohesive devices’. These ‘frozen patterns of language which allow little or no variation in form’ (Baker, 1992: 63) sometimes referred to as ‘routines’ (Hatim

& Mason, 1997: 190) can, according to Garzone (2000: 3), only be translated by making resort to parallel routines in the target language.

Indeed, legal translation is not merely about creating equal terms within an interlingual framework, but about formulating equal concepts which can be applied in the same sense within two different legal systems; a factor which necessitates an in-depth consideration of cultural factors pertaining to both source and target language cultures. Specialized translation, according to Newmark (1988: 151) can be divided into two categories: technical and institutional translation. Technical translation is non-cultural and therefore universal, meaning that the terminology is not culture dependent as it is mostly known internationally. Institutional translation- which includes legal translation- *is*, however, culture dependent; making it typical for particular culture. As a specialized, culture-dependent translation, it is the legal translators' task to remain faithful to the purpose, register, and format of the original legal document, whilst ensuring that the target legal text is both clear, understandable and validly applicable for the receiver.

2.2.2. Letter of the Law

As Garzone (2000: 3) highlights, legal translators 'are subject to some of the heaviest semiotic constraints at all levels: the language of the law is typically formulaic, obscure, archaic' while 'legal discourse is culturally mediated.' Moreover – as with any translation – a primary consideration is that no two languages signify identically. This is of particular importance as regards legal translation as legislative texts have a pragmatic status insofar as they perform legal actions and impose obligations (Austin, 1962). The new text is as legally binding as the source text and has legal consequences – in the case of the present corpus, the legal translations produced by *Rannóg an Aistriúcháin* take precedence over the English-language source text in the case of conflict between the two, as per Article 25.4.6° of the Irish Constitution, 1937.¹¹³ As such, they are no 'mere translations',¹¹⁴ but pieces of legislation in their

¹¹³ Which states that 'In case of conflict between the texts of a law enrolled under this section in both the official languages, the text in the national language shall prevail.' Article 8.1 of the 1937 constitution states that 'The Irish language as the national language is the first official language', while in Article 8.2, English is referred to as 'a second official language.' In the earlier Constitution of

own right which are each just as inviolate as their original counterparts. The reasons why approaches to legal translation have primarily been focused on the preservation of the letter of the law can be put down to the complexity of legal discourse and its pragmatic status. In this regard, legal translators have traditionally been bound by the principle of fidelity to the source text; that is, that the translator's task is to reconstruct the form and substance of the source text as closely as possible, meaning that literal translation - such as the formal and semantic approaches previously discussed - was the preferred approach. As regards translation strategy, Weisflog (1987: 191) advocates literal translation regardless of text type and function, and sees little room for freedom in translations of texts of national legislation, international treaties and conventions, as well as instruments of primary and secondary Community law. Similarly, Didier (1990: 280, 285) maintains that legal translations and translations of other normative texts require absolute literalness. This conflict between whether a translation should be free or literal was generally decided by the type of text, which reflects the long-established idea of translational approach being governed by text typology. Although Pierre-Daniel Huet dealt primarily with the translation of literary texts in his *De interpretatione* (1680: expanded edition of *De optimo genere interpretandi*; 1661), he was one of the first to touch upon scientific translation as well. Recognizing that scientific texts confront translators with particular demands, Huet viewed scientific translation as one of the 'foremost tasks

the Irish Free State (*Bunreacht Saorstát Éireann*) 1922, however, Article 4 stated that 'The National language of the Irish Free State (Saorstát Éireann) is the Irish language, but the English language shall be equally recognised as an official language', while Article 42 stated that, 'As soon as may be after any law has received the King's assent, the clerk, or such officer as Dáil Éireann may appoint for the purpose, shall cause two fair copies of such law to be made, one being in the Irish language and the other in the English language (one of which copies shall be signed by the Representative of the Crown to be enrolled for record in the office of such officer of the Supreme Court as Dáil Éireann may determine), and such copies shall be conclusive evidence as to the provisions of every such law, and in case of conflict between the two copies so deposited, that signed by the Representative of the Crown shall prevail.' As such, while the legal standing of the legislative translations in the corpus at hand has changed since they were produced, in the period 1922-1937, either the English language *or* the Irish language versions of a legislative text could take precedence over the other, depending on which one was signed by the Representative of the crown – most likely the English version.

¹¹⁴ As contested in 1937 by W.T. Cosgrave in a Dáil debate on the constitution: 'As a matter of fact the Irish text is a mere translation of the English'.

of civilization' and one which had been 'absurdly neglected' (Steiner 1977: 265). Following from this, at the start of the nineteenth century, Friedrich Schleiermacher made a distinction between '*Übersetzen*'- the translations of works of art such as literary and scientific texts- and '*Dolmetschen*' (Störing, 1963: 39) - the translation of worldly texts such as common matters from business and everyday life (Šarčević, 2000: 6). In reference to Schleiermacher, literary critics started to utilise the term *Übersetzen* to indicate the translation of literary texts, while all other translation was regarded as *Dolmetschen* (Kloepfer, 1967: 10). This latter group of texts later developed into what is currently known as special-purpose texts.

2.2.3. LSP: Language for Specific Purposes

Picht and Draskau (1985: 3) have defined Language for Specific Purposes, or LSP, as 'a formalized and codified variety of language, used for special purposes and in a legitimate context... with the function of communicating information of a specialist nature at any level... [and] with the aim of informing or initiating other interested parties, in the most economic, precise and unambiguous terms possible'. Within this branch of applied linguistics, we see that there is emphasis placed both on the *type* of language utilized- focusing on a defined formal lexis, register, and genre- as well as on the *function* of the text; a point which we will return to shortly. Making reference to Lehrberger (1986: 22), Pearson (1998: 31) lists six factors which help to characterize LSP: (i) limited subject matter, (ii) lexical, syntactic and semantic restrictions, (iii) "deviant" rules of grammar, (iv) high frequency of certain constructions, (v) text structure, and (vi) use of special symbols. We can thus ascertain from this description that legal texts, with all their aforementioned lexical and register-based intricacies, come under the definition of Language for Specific Purposes. Legal language has been developed for the purposes of professional communication from one legal system to another, and in this regard, differs not only from ordinary speech and writing, but from the cultural constraints of one language to another. As Mattila (2006: 105) explains, legal language is shaped by the legal system in which it is utilized, meaning that the semantic domains of differing legal terminology do not always correlate from source text to target text.

2.2.4. Skopos Theory

The 1970s and 1980s saw a retreat in translation analysis from the standpoint of linguistic typologies of translation shifts, and an emergence of a functionalist and purpose-based approach to the analysis of translation, which includes more centrally the role of the translator (Munday, 2012: 111). *Skopos* forms the basis of this approach to translation and translation analysis. The primary principle determining any translation process is the overall purpose, or *Skopos*, of the translational action. In this model, equivalence and requirements pertaining to fidelity are subordinated to the concept of ‘adequacy’ with regard to the *skopos* (Prieto Ramos, 2002: 28). In short, the *purpose* of the translation is regarded as the prime factor guiding the entire translation process, as opposed to a creation of equivalence or fidelity to the text. One observes the ‘*skopos* rule’ by creating a target text which functions in the situation for which it is intended and which meets the needs of those who are using it. Vermeer (1989: 20) elaborates on the *Skopos* rule in the following way:

‘Each text is produced for a given purpose and should serve this purpose. The *Skopos* rule thus reads as follows; translate/ interpret/ speak/ write in a way that enables your text/translation to function in the situation in which it is used and with people who want to use it and precisely in the way they want it to function.’¹¹⁵

The *skopos* is determined by factors which describe the communicative situation, such as the target text function(s), the target text receiver(s), or the time and place of reception (Prieto Ramos, 2002: 28), and most translational actions allow many *skopoi*, which may be placed in hierarchical order. In order to do so, a translator must be able to justify and defend the choice of *skopos*, in order to face head-on the challenges posed by other translation theories such as free vs faithful translation, dynamic vs formal equivalence etc. This does not mean, however, that such strategies are completely solved, but that a translator may decide that the *skopos* of a particular task may require free *or* faithful translation, dynamic *or* formal equivalence, or anything in between these two extremes; all steered by the translator’s judgement on the ultimate *function* of the translation at hand. The translator, therefore, is placed at the heart of the process as the arbiter of what that function, purpose or end-user will constitute. As regards the applicability of this theoretical approach to legal translation, advocates of *Skopos* claim it to be

¹¹⁵ Translation by Nord, 1997: 29.

applicable to all text types in all situations (Vermeer, 1982: 99), while the founding father of this school of thought- Hans Vermeer- explicitly extends the validity of *Skopostheorie* to legal translation (Reiss-Vermeer, 1984: 158), given that it serves the purpose- or function- of informing recipients of the target text of the content of the law.

2.2.5. Reiss' Functional Approach

Katharina Reiss, a German linguist and translation scholar, similarly introduced a functional category into her 'objective approach to translation criticism' as early as 1971. While firmly based within equivalence theory, she developed a model of translation criticism which was also based upon the functional relationship between source and target texts (Nord, 1997: 9). According to Reiss (1977, in Chesterman (ed), 1989: 112), the ideal translation would be one 'in which the aim in the target language is *equivalent* as regards the conceptual content, linguistic form and communicative *function* of a source language text.'¹¹⁶ This functional approach aims initially at providing a system for the assessment of translations, and borrows from the categorization of the three functions of language by Karl Bühler: (1) informative function (2) expressive function (3) appellative function. Reiss links these three differing functions to the text types or communicative situations in which they are used (Munday, 2012: 111-12). For each of these text types, Reiss (1976: 20) gives examples of what she calls *textsorte*, or 'text varieties', namely informative, expressive and operative texts. While hybrid text types also exist, Reiss (1976: 20) states that 'the transmission of the dominant function of the source text is the determining factor by which the target text is judged.'

The primary characteristics of each text type are summarised by Reiss (1977, in Chesterman (ed), 1989: 108-109) as follows:

- (1) Informative text type- 'Plain communication of facts': information, knowledge, opinions, etc. The language dimension used to transmit the information is logical or referential, the content or 'topic' is the main focus of communication.

¹¹⁶ italics added.

- (2) Expressive text type- ‘Creative composition’: the author uses the aesthetic dimension of language. The author or ‘sender’ is foregrounded, as well as the form of the message.
- (3) Operative text type- ‘Inducing behavioural responses’: the aim of the appellative function is to appeal to or persuade the reader or ‘receiver’ of the text to act in a certain way, for example to buy a product (if an advert), or to agree to an argument (if a political speech or a barrister’s concluding statement). The form of language is dialogic and the focus is appellative.

If we conclude, therefore, that legislative texts fall under the genre of informative text types, we may refer to Reiss’ specific translation methods recommended for this text type in order to determine whether or not the translation has fulfilled the predominant function of the source text. For informative texts, according to Reiss (*ibid*), ‘the target text... should transmit the full referential or conceptual content of the source text. The translation should be in ‘plain prose’, without redundancy and with the use of explicitation when required. The semantic equivalence is most important for translating informative texts.’ Reiss and Vermeer (1984: 158) reiterate this stance, stating that ‘a legal text should always be assigned to the informative type because the sender does not intend to convince, to persuade or to appeal to the recipients to obey the law, rather, they are informed of the content of the law.’¹¹⁷ To what extent, then, are the translated legal texts in our corpus semantically equivalent to their English language counterparts, and how do traditional theories of equivalence and functionalism fit with our translated texts?

2.3. Methodology

2.3.1. Introduction

This study, concerned as it is with the English-Irish translation of legislative material, is concerned too with the translation of specialized texts, with particular emphasis being given to analyzing and evaluating the legal translation work carried out by *Rannóg an Aistriúcháin* translators during this period. The analysis itself will follow from an outline of existing scholarly work in the areas of legal and English-

¹¹⁷ Translation in Nord, 2013: 143.

Irish language translation, and how the methodologies employed in such works may provide an analytical framework which may be followed in the study at hand. Secondly, this section will outline and define the approach to parallel text analysis which will be employed in the study, the approach to translation work followed by *Rannóg an Aistriúcháin* during this time, and the various lexicographical and legal sources which will be employed in the analysis. In Chapter 3, a comparative linguistic analysis of the corpus of translated English-Irish language legal source/target texts will be carried out, with particular emphasis being given to a consideration of legal terminology. In doing so, a definition of each term chosen in both its general and legal sense will be given, and the various ‘equivalents’ available to *Rannóg* translators assessed. The chosen Irish language term in the corpus will be compared semantically with both the English legal term and the other Irish variants available in lexicographical sources and, in turn, these will be compared with how the same term has been translated in EU legislation. Our conclusion will draw upon the research questions and theoretical approaches to translation outlined in the previous two chapters, make an overall assessment of the efficacy of the chosen translated legal terms in our corpus, and hypothesize as to how the terminological choices made by *Rannóg an Aistriúcháin* may impact current Irish and European legislation as a result.

2.3.2. English-Irish Legal Translation

There has, in the field of translation studies, been something of a dearth of academic comparative analysis of English-Irish translation, particularly in the field of legal translation. As Michael Cronin (1996: 179) highlights, ‘it is... striking that in a country where translation had been an integral part of the educational, legal and administrative activities of the state since 1922, sixty years were to elapse before translation studies would begin to feature as a distinct area of academic enquiry.’ This failure to examine in detail the phenomenon of translation, he argues, has led to the ‘undermining of the lexical and syntactic specificity of Irish’ – an issue which it is hoped will be addressed in the current study. The primary example of academic investigation into English-Irish legal translation is to be found in the work of Micheál Ó Cearúil, most particularly in *Bunreacht na hÉireann: A Study of the Irish Text*. This work sets out the linguistic background to the composition of the 1937

Constitution of Ireland, considering the general approaches adopted towards translation from English into Irish, terminological matters, and questions of standardizing grammar and orthography. Ó Cearúil analyses, word-for-word, the Irish language text of the 1937 Constitution of Ireland, in an attempt to refute Deputy W.T. Cosgrave's statement in the Dáil¹¹⁸ that 'the Irish text is a mere translation of the English'. In order to do so, the author provides direct literal translations of the Irish text of the Constitution into English, and visa versa, making suggestions for standardised Irish language versions and gender-proofed renderings of the source text. While Ó Cearúil set about assessing the efficacy of the constitutional translations, searching for discrepancies between the source and target texts by conducting back translations of the various passages, this is not something which shall be attempted in the current study. While a qualitative as opposed to quantitative approach shall be taken towards the comparative linguistic analysis of the corpus material, this will entail focusing on the development of a legal lexicon in the Irish language, and how the translation of such legal terminology may have a legal impact both on a national and international scale, particularly in EU legislation. Our assessment of terminological development in Irish as outlined in Chapter 1 will thus feature heavily in the current study, and is similarly one from which we may draw inspiration from Ó Cearúil's study of the constitution. Here, insights into the vocabulary of Irish are provided by the author's analytical overview of the terminological intricacies to be found in the Irish language text of *Bunreacht na hÉireann*. Valuable lexical mini-studies are provided on, for example, the semantic range and resonance of *dúchas* (55-56), which corresponds to 'genius' in the English language version; mini treatises on the various translations of 'maintain' (151-152), and on the overall development of a distinctive legislative terminology in post-1922 Free State Ireland¹¹⁹. Brian Lenihan, TD, in his Foreword to *Bunreacht na hÉireann: A Study of the Irish Text* (Ó Cearúil, 1999: ix) reflects upon how the development of the Irish language is evidenced in the Gaelic text of the constitution:

‘The present Irish text of the Constitution illustrates the richness and antiquity of the language. Some of the terms employed in the Constitution have a lineage that can be traced back to the eighth century. Other

¹¹⁸ On 14th June 1937.

¹¹⁹ See Mac Mathúna, 1998/1999: 284-297.

expressions used in the Constitution relate to the modern development and adaptation of the language since the foundation of the State... we see that the Irish language spoken today did not begin with the revival movement initiated in 1893. The language spoken in the Gaeltacht in particular and taught in schools is the proud inheritance of a spoken tradition which has evolved over more than two millennia.'

As Ó Cearúil (1999: 49) states, 'One of the principal interests of the author is in the way the Irish language developed over the centuries in response to the development of Irish life and society and how the language reflects and illustrates these developments,' and this very statement provides the basis of our central research questions in this study. How, in the absence of an official written standard of Irish at the time, did *Rannóg an Aistriúcháin* ensure uniformity of the translated material as regards legal terminology? How does this terminology compare with how the same legal terms are translated in more recent European legislation, and what evidence of the above is there to be found in the analysis? As such, we shall be taking a methodological cue from Ó Cearúil as regards our investigation of terminology in the comparative linguistic analysis, with particular focus being given to the translation of English legal lexical items into Irish.

2.3.3. English-Irish Translation in the Public Sector

A second methodological cue in our analysis will be taken from Dr John Dorins' established analytical framework for English-Irish translations. In his doctoral thesis, *Serving Two Masters: An Analysis of Translation Strategies in Public Sector Documents Translated from English to Irish*, the author investigates the translation of certain specialised language from English to Irish. The object of analysis itself is summarised by Dorins (2012: 10) as follows;

'This study is closely concerned with linguistic variation, in that it deals with the possible gaps or *lacunae* which may be produced in trying to translate particular varieties of English into Irish and the way that Irish translators, for historical reasons as well as reasons of intrinsic structural difference, may find certain aspects of these varieties difficult to translate, and it is also closely concerned with the various strategies used by these translators to cope with these lacunae and their impact on the Irish language.'

As in the vein of Ó Cearúil's study, Dorins' work qualitatively assesses the English-Irish translations in search of discrepancies between the source and target texts. While the current study will not focus on questions of register, there remains a link between the methodology employed by Dorins and that of the comparative linguistic analysis at hand insofar as assessing the efficacy of the Irish language translations, and what semantic bearing this has on the final product. The primary difficulty facing *Rannóg an Aistriúcháin* translators in their efforts to create an Irish legal terminology was the absence of such terminology in a legal domain until this point. In a similar manner, Dorins highlights (2012: 8) 'the problems of translating a register... into a target language without a strong tradition of this register' as one of the primary obstacles facing English-Irish translators of public sector material. While our focus remains on terminology as opposed to register *per se*, the two are inextricably linked, as Alcaraz and Hughes (2002: 35) attest, 'the dominant register of legal writing is formal, even highly formal... particularly at the level of vocabulary'. Furthermore, they highlight (*ibid.*) that it is 'not always possible for a translator to find terms that exactly match the register of the original'. An issue particular to LSP and particularly to legal texts is the tendency towards archaic terminology no longer commonly used or understood by the average reader. Alcaraz and Hughes (2002: 7) discuss this as follows:

'English legal language is no exception to the universal tendency toward stiffness and formality that marks this form of discourse, a tendency heightened by the usual density of old-fashioned syntax and antiquated vocabulary.'

As such, not only will an investigation as to lexicon be required for comparative linguistic analysis of the corpus, but a consideration as to how this 'antiquated vocabulary' of the English language source texts is treated in the Irish language target text documents.

2.3.4. Parallel Text Analysis

The methodology I will be following in the analysis originally stems from the methodological approach to parallel text analysis as outlined by Edyta Żrałka's 'Teaching Specialised Translation through Official Documents'. In this article, the author states (2007: 77) that 'parallel text analyses should be performed according to

the following criteria:

- layout (text division, content of information, formulas),
- vocabulary (terminology, morphological features of vocabulary),
- grammar (typical grammatical structures, syntax),
- register (vocabulary and grammatical constructions communication strategies, overall – the stylistic features).’

One option would thus be to focus on the four aspects above as specific points of enquiry in the comparative linguistic analysis of the corpus source and target texts, considering each as regards our set research questions. However, given that the layout of the target legislative texts in the corpus mirror that of the English-language source material, any analysis thereof would be largely unnecessary and, as such, is not deemed to be worthy of any great consideration in the current study. Where vocabulary is concerned, particular attention must be given to LSP (or ‘Language for Specific Purposes’) as discussed in 2.2, as ‘such a language of specialised knowledge... has its own technical lexicon, the fundamentals of which are a particular system of terminology’ (Żrałka, 2007: 75). As such, our investigation and analysis of vocabulary will focus primarily on terminology; where and how neologisms have been coined in the target texts, how the chosen Irish language legal term compares semantically with that of the English source text term, and how this has carried over into modern European legislation. Given that an assessment of legal terminology provides sufficient scope for analysis of the current corpus, neither register nor grammar will be primary considerations in this study.

2.3.5. Assembly of the Corpus

The corpus of translated legislative material which will act as our object of analysis has been assembled from acts translated by *Rannóg an Aistriúcháin* in its capacity as the official translation service of the *Oireachtas* established under the standing orders of *Dáil Éireann*. Since its original inception in the *Dáil* with the appointment of Mícheál Ó Loinsigh as Official Translator, and as the official translation service of

the *Oireachtas* upon the foundation of the Irish Free State in 1922, *Rannóg an Aistriúcháin* has been responsible for providing an official Irish translation of all laws enacted in English. All acts, both in English and in Irish, enacted and translated from the foundation of *Saorstát Éireann* until the present day have been made available in electronic form and are available to access online on www.ahtanna.ie in split screen English-Irish format, by searching by title or by date of a specific act. In order to assemble a certain number of these acts into a corpus of an appropriate length and breadth for analysis, two primary steps were taken. Firstly, acts were taken from a particular period of time, specifically from our research period of 1922 until 1937 - an era bookended by the establishment of the Irish Free State and the enforcement of the Constitution of Ireland 1937. Secondly, in order to further streamline the corpus and make an assessment of continuity of terminology, the decision was made to focus the analysis on those acts from this period which pertain to a particular area of law; namely agriculture. As such, the corpus at hand consists of 128 acts in total (some which contain more than one part (eg. No. 45/1935 Part I, No. 45/1935 Part II), all from the period 1922-1937, and all pertaining to agricultural law. Given that some acts are broken down into separate parts, they therefore form separate files - 183 files in total. These files were then transferred into .txt format using *TextEdit* textising software, in order that they could then be imported into the *AntConc* concordancer. The rationale behind the use of concordancing software was twofold; firstly, in order that a definitive word count for the corpus could be ascertained, and secondly, in order to facilitate searching for terms. The corpus itself amounts to 448,906 word tokens (the entire amount of words in the corpus, irrespective of duplicates) and 10,636 word types (the entire amount of different words in the acts). From this, the 10,636 word types were alphabetized in the concordancer in order that legal terms may be focused upon. The decision to focus specifically on legal terminology was based on two primary considerations: firstly, that terminology in a legal domain was an area that was entirely new to the modern Irish language and was one of substantial growth and development during this period. Secondly, given the elevated status of the Irish language as an official EU language since 2007 and the current push to end the derogation phase of full implementation of this status by 2022¹²⁰ means that EN>GA legislative translation

¹²⁰ While Irish is currently one of the EU's 24 official languages, it has so far existed in administrative

will see a similar surge in the next five to ten years. As such, an assessment of the legal terminology employed in Irish language legislation during this period will be not only timely, but of great importance as regards safeguarding the quality of legal translation into Irish on a European level when it acquires full working EU status a century after the foundation of the Free State and, as such, exactly a century after many of these terms were first coined.

2.3.6. Terms chosen for analysis and rationale

Given the volume of words in the corpus, the decision was made to start firstly with the legal terms in *Téarmaí Dlí*, and to actively search for those terms in the corpus by going through the alphabetized list of words in the concordancer. Having done so, a list of 101 legal terms was compiled from the corpus. Upon initial examination of these terms, it appeared evident that the legal terms compiled fell into three distinct groups: terms pertaining to legal procedure, terms pertaining to legal documents, and terms pertaining to legal personnel. Given the scope for analysis in this particular project, it was considered practical to focus primarily on one area - those terms pertaining to legal procedure - in order to gain insight as to the efficacy and consistency of use of Irish language legal terminology in the corpus. ‘Doubt’ has been selected as a first point of analysis due to the breadth of its meaning in different contexts and linguistic domains. Employed both as a verb and a noun in common speech, it is intrinsically linked with the legal concept of ‘reasonable doubt’, a standard of proof or evidence by which a defendant may or may not be found guilty. Given the weight apportioned to such a standard in criminal law, and the fact that both reasonability and doubt are relatively subjective concepts usually defined within the particular jurisprudence of the applicable country, it is anticipated that such a term in a legal sphere would be of particular interest in assessing the Irish term

limbo, having been placed under ‘derogation’. This has meant that the European institutions have not, thus far, been obliged to provide full translation or interpretation services, as it does with the other 23 official languages. Translation is only mandatory when it comes to co-decisions made by the European Parliament and the European Council, however, the European Council announced on 3 December 2015 that it would draft a Regulation that would increase the number of areas in which Irish translation is required, with an aim of ending the derogation phase completely by 1 January 2022.

chosen from the available options. The other terms chosen for analysis have been grouped together in those cases where they are in the same semantic range, allowing for more thorough scrutiny of the level of equivalence between the English and Irish terms in a legal domain. This also allows for examination of terminological consistency, as those terms which overlap semantically in a general context will be more strictly defined in legal terms, and will thus require careful handling in finding an appropriate translation equivalent in a legal domain. In the second terminological analysis, four terms, ‘prohibition’, ‘inhibition’ ‘prevention’, and ‘obstruction’, and will be considered together given the degree of overlap and interchangeability in the employment of those terms themselves in a general context. While all four terms intersect in meaning at certain points, each carry a different meaning in law, and thus require careful rendering into the target language in order that the significance of the terms in a legal context is not diluted. The third terminological analysis will similarly focus on three semantically related legal terms: ‘larceny’, ‘theft’, and ‘stealing’. Given the scope for interchangeability of these terms in common usage, it is anticipated that the analysis will provide an insight as to any semantic ambiguity in their translation into Irish, and whether the chosen GA term for each accurately renders the intricacies of the term in a legal context. The final terminological analysis will also focus on two legal terms which also overlap slightly in usage in a general context, namely ‘legal’ and ‘lawful’. While both are employed interchangeably in general usage, the points at which they differ semantically are of utmost importance in the context of EN-GA legal translation. It is hoped that through this analysis, conclusions may be drawn as to the efficacy of Irish language legal terminology in primary legislation from this period, and the level of equivalence between the source and target text terms in a legal domain.

Chapter Three

Corpus Analysis

CHAPTER THREE

Corpus Analysis

3.1. Background to Corpus Analysis

3.1.1. Methodology of analysis

The following chapter provides this study's original contribution to the field of English-Irish legal translation and terminology, and seeks to fill those gaps in this area that have been raised in the background, theoretical, and methodological chapters thus far. The primary purpose of the corpus compiled is to act as a vehicle to show how the historical and linguistic factors pertaining to this era as covered in Chapter One, and how the translation theory covered in Chapter Two, present themselves in the Irish context of legal translation at this time. The following chapter first outlines the legal and lexicographical sources which will be employed in the analysis, and focuses on a comparative linguistic analysis of ten legal terms. The given legal term in English is outlined, followed by its given Irish language equivalent and amount of occurrences in the corpus. The terms are defined firstly in their general sense, and then within a legal sphere, in order that the semantics of the terms in various domains may be assessed. Three sources of EN-GA legal terminology, *Téarmaí Dlí, an Foclóir Dubh*, and *Focal sa Chúirt* are then employed to ascertain the given Irish language term employed in each. Six EN-GA and GA-EN dictionaries are then employed to discern the semantic range of the legal term both in English and Irish, and to assess how often the chosen term in the corpus is to be found in the dictionaries, as well as if any other terms are a regular feature. The semantic range of those terms are then compared with the legal definition of the English term we began with, in order to ascertain which is the best fit in a legal domain. From there, the corpus is used as a vehicle to investigate how the English legal terms have been rendered in Irish, and vice versa, and to ascertain whether or not the terms employed are not only consistent with their legal definition, but if they are employed consistently throughout the corpus. A comparison will then be made with how the same terms have been employed in European legislation, in order that an assessment of Irish language legal terminological consistency and efficacy can be made not only on a national, but international level.

3.1.2. The Irish Legal System

The Republic of Ireland has a common law legal system, a structure by which a law is established by following earlier judicial decisions, i.e. case law. This system originated in England in the Middle Ages where, prior to the Norman conquest, the different parts of the country were governed by different systems of law. By 1250, however, a ‘common law’ was produced which ruled the country in its entirety, and which was later propagated to the different colonies of the British Empire. Such countries included the United States, Canada, Pakistan, Australia, and Africa, among others, while Ireland was the first extension of England’s common law system, having gradually superseded the Irish Brehon law, or ‘fénechas’. Irish courts, as with all common-law systems, are bound by *stare decisis*- the doctrine of precedent. This principle, which in Latin means ‘to stand by that which is decided’, means that courts in common law jurisdictions apply and abide by precedent laid down in case law¹²¹. This bears influence on the corpus analysis in two primary ways. Firstly, one may assume that since one common law system may look to another as regards judicial precedent, one may also do so when interpreting the precise meaning of legal terminology. As such, we may use legal sources from other common law jurisdictions in our terminological analysis with the expectation that the legal term can be similarly construed in Ireland. Secondly, this adherence to precedent echoes the working methods of *Rannóg an Aistriúcháin* in their handling of terminology and, as such, ensures that from one common law legal system to another, and within the sphere of English-Irish legal terminology, we can be assured that both the legal

¹²¹ While the Irish legal system remains rooted in the common law tradition, there exists in Ireland a supremacy of higher law due to the development of the 1922 and 1937 Constitutions. As Ó Conaill (2013: 48) describes: ‘Whilst the Common Law principle of Stare Decisis (the legal principle in common law of adhering to precedent when deciding a legal case) remains, all acts and previous jurisprudence of Irish and British Courts must be consistent with the provisions of the Constitution. Once rights of any sort (including language rights) are recognised by a Court as being of a constitutional nature the State cannot seek to abdicate their responsibility to those who enjoy such rights merely by way of passing ordinary law in the form of legislation’ adding that ‘Further supremacy over the common law has since been established by European Union Law in areas of competence recognised by the various EU Treaties.’ This does not, however, negate the relevance of adherence to precedent in the current study, while the significance of Constitutional law as regards the status afforded to the Irish language in the 1937 Constitution has been, and will again be, referenced as appropriate.

terms and the interpretation thereof will remain consistent both within the Republic of Ireland and in all common law jurisdictions.

3.1.3. Legal Terminology Sources

Legal sources- particularly jurilexicography- will play a primary role in the analysis, in order that a precise legal definition of each term may be established before assessing its Irish language equivalent. Our first point of reference in this regard will be the *Oxford Dictionary of Law* as one of the main sources of legal lexicography, in order to determine the authoritative definition of each term in a legal domain. Where further study of a term is required, legal journals and articles from common law systems will be consulted as necessary. As regards accessing Irish language legal terminology in particular, three primary sources will be used: *Téarmaí Dlí*, *Focal sa Chúirt*, and *An Foclóir Dubh*. *Téarmaí Dlí*, published by Oifig an tSoláthair (the Stationary Office) in 1957, stemmed from the Irish Legal Terms Act 1945¹²², which was enacted in order to provide legal certainty as regards the interpretation of certain technical words and terms (O'Rourke, p.265). Under this act, ten orders¹²³ dated between 1947 and 1956 were published, from which legal terms were compiled and published as *Téarmaí Dlí*. *Focal sa Chúirt*, first published in 2001, is described by

¹²² 'An act to authorise the provision, for the purposes of law, of standard equivalents in the Irish language for certain terms and to provide for the publication of legal forms and precedents in the Irish language'- Act no.18, 22 May 1945

¹²³ List of said orders: An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 1), 1947 (R. & O.R., Uimh. 249 de 1947) (Téarmaí a bhaineas le Dlí Thiarna Talún agus Tionónta, Tíolacadh agus Dlí Maoine); An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 2), 1948 (I.R. Uimh. 42 de 1948) (Téarmaí a bhaineas leis an Dlí Coiriúl); An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 3), 1948 (I.R. Uimh. 47 de 1948), (Téarmaí a bhaineas le Cúiteamh d'Oibrithe); An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 4), 1949 (I.R. Uimh. 68 de 1949), (Téarmaí a bhaineas le Cleachtas, Fianaise agus Nós Imeachta); An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 5), 1950 (I.R. Uimh. 2 de 1950) (Téarmaí a bhaineas le Dlí Conarthái); An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 6), 1950 (I.R. Uimh. 3 de 1950) (Téarmaí a bhaineas le Probháid agus Riarachán); An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 7), 1950 (I.R. Uimh. 289 de 1950) (Téarmaí a bhaineas le Dlí Tortanna); An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 8), 1950 (I.R. Uimh. 290 de 1950) (Téarmaí a bhaineas le Dlí Féimh- eachta); An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 9), 1950 (I.R. Uimh. 291 de 1950) (Téarmaí a bhaineas le Dlí na gCuideachtaí); An tOrdú Téarmaí Dlíthiúla Gaeilge (Uimh. 10), 1956 (I.R. Uimh. 51 de 1956) (Téarmaí Ilghnéitheacha).

the author Leachlain Ó Catháin as ‘a collection of words (not a dictionary)’¹²⁴ which were compiled from different sources over the course of over thirty years while practising law through Irish. Particular credence is given therein to previous endeavours in legal terminology, particularly *Téarmaí Dlí* and the work of *Rannóg an Aistriúcháin*, with Ó Catháin stating that he had ‘great confidence in *Téarmaí Dlí* and of course the Acts of the Oireachtas’¹²⁵. While the *Rannóg* in-house compilation *An Foclóir Dubh* has a solely English-Irish search facility, both *Focal sa Chúirt* and *Téarmaí Dlí* give equivalent legal terms in both an Irish-English and English-Irish format, allowing for cross-referencing purposes in the analysis.

The final, and most recent, source of Irish-English legal terminology that will be employed in the analysis is that of the GA IATE project, the partners of which are Fiontar (DCU), the Irish Government (Department of Arts, Heritage and the Gaeltacht) and the EU institutions. The IATE project (or *Inter Agency Terminology Exchange*) was set up with the purpose of making ‘relevant and reliable terms in the official EU languages... in order to support the multilingual drafting of EU texts’ (Bhreathnach et al: 2013, p. 19). Prior to its inception, the various EU institutions and bodies managed terminology work in different ways, meaning that ‘work was being duplicated, and inconsistent or redundant terminological data was being created’ (*ibid* at 20), in some cases even within the one institution. In order to counteract this duplication of terminology, and as a cost-saving measure (the workload having also been duplicated from institution to institution), work was begun in 1999 on the creation of a terminology database in which all EU institutions would take part. The GA strand of the IATE project was initiated in 2007, the Irish language having gained official EU language status that same year. The results of this work are available on gaois.ie, where legal terms are accessible via a parallel corpus of aligned English-Irish legislative texts, and legal terminology can be searched for in both languages. This parallel corpus will be employed as a secondary legal source in the analysis in order to assess whether or not a particular term has been translated in the same way in our own corpus as they are in current legislation,

¹²⁴ ‘*Is cnuasach focal (ní foclóir) é...*’ - Ó Leachlain, 2001: vii.

¹²⁵ ‘*bhí, agus tá i gcónaí, muinín mhór agam as Téarmaí Dlí agus dar ndóigh Achtanna an Oireachtais*’ - *ibid*.

and what this says about the efficacy of the original *Rannóg an Aistriúcháin* translation. It is unknown by current *Rannóg an Aistriúcháin* staff whether or not any legal sources- be that legal dictionaries or legislation itself- were employed by translation staff in the early years of the Free State in order to ascertain the meaning of terms in their legal domain prior to translating them. It has been suggested, however, that there was a strong working relationship between *Rannóg an Aistriúcháin* and those judges who were sympathetic to the language¹²⁶, namely Hugh Kennedy who was Chief Justice of the Irish Free State between 1924 and 1936. As such, in order to find out if translators during this time employed any particular legal precedent in the coining of legislative terminology, we will be reliant in the analysis on the use of lexicographical sources, including the ‘*Foclóir Dubh*’¹²⁷ collection of terms and their sources compiled in house by *Rannóg an Aistriúcháin* during this time.

3.1.4. Irish- English / English- Irish Dictionaries to be used in Analysis

As regards the dictionaries which will be employed in the analysis, focus will be placed on Modern Irish language lexicographical sources, specifically those English-Irish/ Irish-English dictionaries produced since 1850, in order to ascertain what equivalents in the broad semantic range of each term were available to *Rannóg an Aistriúcháin* translators in the period 1922-1937. The primary justification for such a starting date is the wish to avoid the focus of the analysis becoming a historical one; that is, that the depth of the analysis would be sacrificed should the breadth of sources employed be stretched to the use of Middle or Old Irish language sources. Furthermore, it may be deemed likely that translators during this period would have

¹²⁶ Email correspondence with Anne-Marie Dowling, current Assistant Chief Translator *Rannóg an Aistriúcháin*, dated 06.09.16: ‘bhí caidreamh agus cumarsáid i gcónaí ann idir an Príomh-Aistritheoir agus breithiúna a bhí báuil leis an nGaeilge - sin mar a bunaíodh an Coiste Dlí-Théarmaí an chéad lá riamh. Bhí Aodh Ó Cinnéide ina Phríomh-Bhreitheamh ó 1924 agus 1936. Theastaigh uaidh siúd go mbeadh na himeachtaí cúirte sa Stát go léir á seoladh trí mheán na Gaeilge laistigh de 10 mbliana nó mar sin tar éis bhunú an Stáit.’ – ‘there was always a communicative relationship between the Chief Translator and those judges who were sympathetic to the Irish language – this was how the Legal Terms Committee was established in the first instance. Hugh Kennedy was Chief Justice between 1924 and 1936. He in particular wished all State court proceedings to be conducted through Irish within ten years or so following the establishment of the State.’

¹²⁷ Found in and shared by the Oireachtas library for use in this research.

availed of the more contemporary dictionaries available at this time, given that the translations themselves were part of an overall agenda to establish the Irish language as a modern, valuable working language. For this reason, due consideration will also be given to more contemporary dictionaries dating after the period 1922-1937, in order that a comprehensive overview of the term may be given. As such, the dictionaries which will be employed in the analysis are as follows: Foley's *An English-Irish Dictionary intended for the use of students of the Irish Language* (1855), *Lane's English-Irish Dictionary* (1904, 1915) compiled by Timothy O'Neill Lane, Pádraig Ó Duinnín's *Foclóir Gaedhilge agus Béarla* (1904, 1927), Lambert McKenna's *Foclóir Béarla agus Gaedhilge* (1935), Tomás de Bhaldraithe's *English-Irish Dictionary* (1959), and Niall Ó Dónaill's 1977 *Foclóir Gaeilge-Béarla*.

Foley's *An English-Irish Dictionary intended for the use of students of the Irish Language* (1855)

Native Irish speaker and Irish language professor in Trinity College Dublin, Daniel Foley, published his English-Irish Dictionary in 1855. While the primary aim of the dictionary was to provide third level students of Irish with common English words for their Irish language equivalents, a secondary objective of Foley's was to 'attend to those who wished to translate their opinions in English or to translate others' works into Irish (the most commonly understood language of current inhabitants)'.¹²⁸ In compiling the Irish language section of the dictionary, Foley employed Tadhg Ó Coinnialláin's 1814 *An English-Irish Dictionary intended for the use of schools*, adding to its entries by changing some of the Irish meanings and adding many of his own coinages (Moore 2004). As regards compilation of the English language section of the dictionary, Foley states in his preface that he had employed Johnson's dictionary, 'I have not taken all the words in Johnson's English Dictionary... but, as a general rule, I have omitted only such as are of unusual occurrence in the English language' (Foley, 1855: iii). Inkeeping with both our own study and with the approach of *Rannóg an Aistriúcháin* translators, Foley reiterates this focus on the contemporary Irish language: 'I had no temptation to comply with that absurd

¹²⁸ 'ba é cuspóir an fhoclóra freastal orthu siúd ar mhian leo a gcuid tuairimí a aistriú nó saothair daoine eile a aistriú go Gaeilge (an teanga ab intuigthe ag na háitreabhaigh reatha)' – Mac Amhlaigh, 2008a: 73.

humour for antiquity which would have us go back even in our orthography to a period which had no standard, and nothing but diversity itself' (*ibid.*). In this endeavour, Foley created his own set of principles for a standard spelling in an attempt to assist learners of the language, placing particular emphasis on simplifying word endings. A Bedell scholar, one of his own pupils, afforded to him by the Irish Society of Trinity College Dublin, assisted him in this lexicographical work, while the Board of College bestowed a grant for the publication of this work. While Foley himself was 'entirely satisfied' (*ibid.* at iv) that his work fit the purposes for which he had intended it, it was O'Hickey's opinion that while Foley had successfully accumulated many Irish language equivalents, it was insufficient for sole usage as a dictionary as it was lacking in sample phrases and grammatical information in order to assist the reader (O'Hickey 1904: 523). Mac Amhlaigh, however, defends this work by attesting that it is 'always a difficult question how much grammatical and linguistic detail should be included alongside a basic, straightforward translation of the words themselves'¹²⁹ (Mac Amhlaigh 2008a: 77). McDowell and Webb (1982: 227) further defend Foley's work, concluding that 'he published an elegant and compact English-Irish dictionary which certainly filled a need, and if it is to be criticised it can only be on the grounds of out-running its ostensible purpose'.

Timothy O'Neill Lane's *Lane's English-Irish Dictionary* (1904, 1915)

First published by Dublin's Sealy, Bryers and Walker at a printing cost of £2,500 in 1904, *Lane's English-Irish Dictionary* was compiled by Timothy O'Neill Lane over a period of twenty years, stretching from 1884-1904 (Mac Amhlaigh 2008a: 85). This was followed by an expanded edition in 1915 published by London's Constable, and reprinted the following year by both Comhlacht Oideachais na hÉireann in Dublin and by Gresham in London, and also by an American version in 1917 published by Funk and Wagnalls. Such was the demand for the dictionary in Ireland that Talbot Publishing published another version of the second edition in 1921. The dictionary itself was originally a labour of love for O'Neill Lane- a native of Templeglentan, County Limerick- who was trained in as a national school teacher and taught in the local primary school from 1877 (Breathnach and Ní Mhurchú

¹²⁹ 'Ceist dheacair i gcónaí i cé mhéad sonraí gramadaí agus teanga ba cheart a chur isteach móide aistriúcháin lom díreach ar na focail féin' - *ibid.*: 77.

1990:47) before becoming a journalist based in both Paris and London. Lane describes in the introduction to the dictionary how he had in childhood ‘began the collection of my first Irish vocabulary, in which the words were accompanied by their English equivalents’ (O’Neill Lane 1904: v). While it was this predilection for vocabulary, coupled with ‘the incomplete and necessarily tentative endeavours’ of previous Irish language lexicographers that led O’Neill Lane to undertake this work in the first instance, he only seriously considered preparing the dictionary for press following the successes of the Irish language revival as spearheaded by the Gaelic League in the late 19th century. As regards his methodological approach to the compilation of the dictionary, O’Neill Lane describes making a concentrated effort to improve his own vocabulary and to study Irish grammar, examining ‘the existing authorities on the subject in the British Museum and in various other quarters’ and spending ‘five years wandering throughout Ireland in search of such material’ (*ibid.*). He took particular care to exercise caution when dealing with terms that may be considered obsolete, choosing to include them in square brackets rather than discard them altogether. The dearth in appropriate terminology in the Irish language at this time is also alluded to, with Lane claiming that ‘its imperfect development in this direction must not be regarded as an inherent deficiency, but merely as the accidental result of its interrupted evolution’ (O’Neill Lane 1904: vii). Mac Amhlaigh (2008a: 89) has suggested that the second edition O’Neill Lane’s dictionary (1917) can be described as an ‘English-English-Irish dictionary insofar as he gave a large list of explanations in English and an Irish version afterwards for each one’¹³⁰. Among the criticisms of O’Neill’s methodological approach of starting with the Irish language terms and words and then finding- or coining- English language equivalents, arguably leading him ‘astray from the main aim of the dictionary, i.e. to furnish the English speaker with equivalent Irish words for their own day-to-day vocabulary’¹³¹

¹³⁰ ‘D’fhéadfaí a rá gur foclóir Béarla-Béarla-Gaeilge é sa bhealach ar thug sé liosta breá mór de mhíniúcháin i mBéarla agus Gaeilge ina dhiaidh sin ar gach aon cheann acu’.

¹³¹ ‘Tá an dara modh tiomsaithe le foclóir dátheangach a dhéanamh, is é sin, an t-ábhar sa dara teanga a thiomsú ar dtús, agus ansin féachaint le ceann fhocail a aimsiú sa chéad teanga. Sin mar a rinne daoine a thuig gur mor idir saothúlacht an Bhéarla agus saothúlacht na Gaeilge, agus arbh fhoill leo é sin a léiriú, agus dá bharr sin a chuaigh ar seachrán ó phríomh chuspóir an fhoclóra, i.e., focail chomhchiallacha Gaeilge a thabhairt don Bhéarlóir ar a ghnáthstór focal féin.’

(de Bhaldraithe 1980: 9). While such an approach enabled O'Neill Lane to include native Irish proverbs, superstitions, place names, and rhymes, Mac Amhlaigh agrees with de Bhaldraithe's view in stating that 'such things provide little satisfaction for those who wish to find an equivalent Irish term for an English word.'¹³² A further criticism was that O'Neill did not carry out sufficient analysis, that there was a grasp of the particulars of the language, and that the font used in the dictionary took up too much space (O'Hickey, 1904: 526). In the context of its time, however- the beginning of the twentieth century and immediately preceding the establishment of the Free State- O'Neill Lane's dictionary played an important role in highlighting the terminological weaknesses of the Irish language in the fields of science, industry, arts, and politics. Those who established the first Dáil in 1919 recognised and accepted Lane's assertions in this regard, ultimately leading them to establish a committee to coin new terminology and to translate Dáil documents. As Mac Amhlaigh (2008a: 9) has it, 'the link between lexicography, standardisation and Irish language terminology was recognised [and] O'Neill Lane's dictionary was both timely and significant in establishing this understanding.'¹³³

Pádraig Ó Duinnín's *Foclóir Gaedhilge agus Béarla* (1904, 1927)

Upon the establishment of the Irish Texts Society (*Cumann na Scríbeann Gaeilge*) in London in 1898, the decision was made to undertake the assembly of a new Modern Irish language dictionary, and by the end of the same year a subcommittee under the supervision of George A. Green had been set up to this end. The aim was to compile 'a cheap, handy pocket dictionary of Irish-English, English-Irish for the use of students in the modern tongue' (de Bhaldraithe 1983: 17), upon which Peadar Ua Laoghaire and Dáithí Coimín carried out editing, also making lists in alphabetical order of words which were in common use at the time yet were not to be found in any other Irish language dictionaries. The following year, native speakers were sought in order to prepare lists of words common in their own areas, as well as from modern literature (*ibid.*) Perhaps due to an underestimation of the work involved, the

¹³² 'Ní mórán de shásamh a thugann na nithe seo don té a bhfuil focal comhchiallach Gaeilge á lorg aige ar fhocal éigin Béarla' - Mac Amhlaigh, 2008a: 89.

¹³³ 'Aithníodh an nasc idir foclóireacht, caighdeánú agus téarmaíocht na Gaeilge. Bhí foclóir O'Neill Lane tráthúil agus tábhachtach i mbunú na tuisceana sin.'

Society announced in 1900 that the dictionary would be published the following spring, with Eoin Mac Néill as general editor, and Ua Laoghaire and Coimín as advisors. However, the three soon withdrew from working on the dictionary, and in 1901 the editorial post was offered to Dinneen (Mac Amhlaigh, 2008a: 96-97). Having inherited 12,000 dictionary slips from the previous work on the dictionary, Dinneen set about his lexicographical work, employing many of the words found in Coney's 1849 Irish-English dictionary, as well as allowing the use of hand-written dictionaries, Plunket's Latin-Irish dictionary, and Peadar Ó Conaill's Irish-English dictionary, among others (de Bhaldraithe 1983: 19). While the first edition of the dictionary was published in 1904 and the second in 1927, the two publications have been described as 'two entirely different works'¹³⁴, as the stereoplates for the first were burned during the events of Easter Week 1916. While Dinneen followed the same methodological approach to the second edition as in the first, as well as the same layout (which followed that of the *Oxford English Dictionary* (Mac Lochlainn 2005:3)), he had access to many more sources and had broadened his own linguistic knowledge in the meantime. As a result, he spent almost ten years working on the second, expanded edition, which had 1344 pages and 45,000 headwords, in comparison with the first edition's 783 and 30,000 respectively. The dictionary itself is testament not only to Dinneen's knowledge and memory (he claims in the introduction to the first edition that the work was 'largely compiled from memory'), but also to his personality. As Titley (2014: 488) has it,

‘Dinneen’s dictionary was different because it sought to bring the demotic, the ordinary talk of the ordinary person, the everyday tongue of gabble and grunt and grumble and glory, into a learned dictionary. He was to do this while also referencing the rich literary language which he knew intimately... a very nobly democratic thing to do, linking the learned with the ordinary, the everyday with the scriptorium.’

Indeed, Dinneen had two target audiences in mind when editing: academics and learners of the Irish language, and while he largely succeeded in satisfying the needs of each, it was suggested that his entries were not quite academic enough in areas (Mac Amhlaigh, 2008a: 98). De Bhaldraithe (1980:13) apportions blame in this regard to the (over-)use of some of the more humorous entries:

¹³⁴ ‘Dhá shaothar iomlán éagsúil a bhí sa dá phríomhfhoclóir...’ - Mac Amhlaigh 2008a: 93.

‘It could be said that he went too far with that sort of material, and that sometimes this added nothing as regards clarification of meaning. It could also be said that he failed to restrain his own personal interest in humour’.¹³⁵

Criticism of Dinneen’s methods pertained not only to such idiosyncratic entries, but extended to his sporadic approach to listing sources of words. O’Rahilly (1942: 201) in particular criticised Dinneen’s editing, stating that he ‘misspells ‘uirceanna’ as ‘úirceanna’ and ‘uircheanna’, which he mistranslates as ‘clogs’’, while O’Hickey condemned both the layout and Dinneen’s methodological approach to his work, stating both that ‘vast numbers of words are missing or... are not found where they should be’ (O’Hickey 1905: 66) and that the approach was ‘not scientific lexicography but lexicography by rule of thumb’ (*ibid* at 71). Dinneen, however, was not reluctant to defend himself, responding to many of O’Hickey’s points of contention in ‘Irish lexicography – a reply’¹³⁶, and describing the review as ‘a labyrinth of error and misrepresentation’ (Dinneen 1905: 138). Certainly, for as many faults as can be attributed to Dinneen’s work, one must take into account its many achievements. It is at once a mine of information on the Irish language, on folklore, and on the lives of the Irish community at that time (Mac Amhlaigh 2008a: 103). As de Bhaldraithe (1980: 12) has it, ‘everyone is aware of Dinneen’s extraordinary work. Without it, it is unlikely that the language could be taught or used in education or in administrative matters during the course of the last half-century. There is hardly a writer alive who is not indebted to him.’¹³⁷ Titley (2014: 497) similarly describes Dinneen as ‘a great lexicographer’ and ‘a wonderful innovative scholar’, while Ó Conluain and Ó Céileachair (1958: 321) concur, adding that ‘he and his dictionary were one person, and both were a national institution’.¹³⁸ There is no denying the impact Dinneen’s dictionary had both on the language and on Irish language scholars since its publication, nor as regards its role in providing a

¹³⁵ ‘D’fhéadfaí a rá go ndeachaigh sé rófhada lenar tharraing sé isteach d’ábhar léirithe den sórt sin, agus uaireanta nár chuir sin tada le soiléiriú an mhíniúcháin. D’fhéadfaí freisin a rá nár choinnigh sé guaim ar an dúil a bhí aige féin sa ghreann, sna samplaí barúla, agus sna leaganacha débhríocha’.

¹³⁶ Irish Ecclesiastical Record: 4th series. February (1905), 121-141.

¹³⁷ ‘Tá saothar éachtach an Duinnínigh ar eolas ag cách. Murach é, ní móide go bhféadfaí tabhairt faoin teanga a theagasc ná a úsáid i gcúrsaí oideachais ná i ngnóthaí riaracháin le leathchéad bliain anuas. Ar éigean a bhí scríbhneoir ar bith ann nach raibh faoi chomaoín aige’.

¹³⁸ ‘ba aoinne amháin é féin agus a fhoclóir, agus ba gheall le hinstiúid náisiúnta iad araon’.

timely insight into Irish literature, poetry, culture and tradition. As Mac Amhlaigh (2008a: 103) summates, ‘it is a book from which generations obtained great benefit as the bible of Irish language literature. There was not and still is not anything which surpasses it in that regard’.¹³⁹

Lambert McKenna’s *Foclóir Béarla agus Gaedhilge* (1935)

Compiled by Jesuit priest, Lambert McKenna, and published in 1935, McKenna’s English-Irish dictionary has been described by Titley (2014: 494) as ‘the reverse of Dinneen’s’, insofar as ‘he attempted to give examples of colloquial Irish for everyday English expressions’. A lengthier work than Dinneen’s at almost 1500 pages of dense script, McKenna’s dictionary was the first to be published by the Department of Education, though was not McKenna’s first lexicographical endeavour, having published an *English-Irish Phrase Dictionary* more than twenty years previously in 1911. It was Eamán de Blaghd, Finance Minister from 1923-1932, who originally recommended that the dictionary be compiled, and lobbied strongly in its favour in this regard. To this end, a lexicographical team was set up, with two assistants, *An Gúm* as advisory committee, and McKenna as editor. Upon his appointment, McKenna’s primary aim was to create an English-Irish dictionary that would be on par with contemporary English-French or English-German dictionaries (Mac Amhlaigh 2008a: 106). Upon commencing work on the dictionary in December 1930, it was expected that the work would be completed within four years. As regards McKenna’s methodological approach to the dictionary he, like O’Neill-Lane before him, would include a lot of extra information in the entries alongside the basic explanations, having collected many words and native forms from proverbs, placenames, and superstitions (de Bhaldraithe 1980:10). As an added assistance, the letters M, U, or C for ‘Munster’, ‘Ulster’ or ‘Connaught’ were often added after words or phrases which pertained specifically to Irish in certain provinces, with no letter added for those words which were common across the dialects. The entries themselves were laid out by McKenna as follows:

1. Headword in English;
2. Word or phrase in English;

¹³⁹ ‘is leabhar é a bhain na glúnta ard-leas as mar bhíobla na Gaeilge ó thaobh na litríochta de. Ní raibh agus níl fós a shárú ann sa mhéid sin’.

3. The Irish version of that; and
4. Irish words parenthesised with different signs of gender (Mac Amhlaigh 2008a: 109)

While McKenna undoubtedly successfully gathered a valuable stock of words and native terms, it was de Bhaldraithe's opinion (1980: 10) that he failed in his aim to create a standard dictionary for the English speaker wishing to find common Irish equivalents for English words as 'he had to leave out hundreds of common English words as he didn't have appropriate Irish words in his collection to match them.'¹⁴⁰ Certain other aspects of the dictionary, such as the omission of gender, plural, or genitive case of nouns made it difficult for students of the language to use, while the lack of orthographical standardisation of the language by this point added a further difficulty, leading McKenna to largely follow Dinneen's spelling system. In a similar manner, it is Mac Amhlaigh's view, however, that 'without a doubt, the sheer difficulty of finding an average Irish word in the dictionary from a list where the words in the explanation section were in alphabetical order was a central issue.'¹⁴¹ For example, before one comes across the word '*tinn*' for 'sick', the reader is subjected to almost two hundred lines of text (2008a: 110). It is likely that it was because of such an approach that McKenna sometimes failed to choose the correct English equivalent for native Irish terms (*ibid* at 107). It is important to note, however, that McKenna had made some allowance for absences in the forward to the dictionary (1935: v), stating that:

'It is in the living Irish language that one has to seek the equivalents of English words, and this language, unfortunately is in a state of arrested growth... Consequently anyone who would seek in this book Irish rendering for any of the numerous words and phrases which may be roughly classed as modern will be disappointed.'

Indeed, the work is not without its many merits, not least as regards its abundance of native Irish words and phrases particular to *Gaeltacht* speech. As Mac Ní (1987: 6) has it, 'Aside from orthographical difficulties and an abundance of dialectal forms,

¹⁴⁰ 'B'éigean dó na céadta focal coitianta Béarla a fhágáil ar lár, toisc gan aon Ghaeilge a bheith ina chnuasach ag freagairt dóibh'.

¹⁴¹ 'Gan amhras ba laige lárnach é a chiotai a bhí sé gnáthfhocal Gaeilge a aimsiú san fhoclóir as liosta in ord aibritreach de na focail san alt minithe'.

there are few other faults to be found [in the dictionary]¹⁴², and it is certain that it played its role in the lexicography of its time.

Tomás de Bhaldraithe's English-Irish Dictionary (1959)¹⁴³

While de Bhaldraithe's English-Irish Dictionary falls outside the dates of this study, 1922-1937, it will be included as a source of reference for two primary reasons. Firstly, the dictionary is the first to have been printed following the publication of *Gramadach na Gaeilge agus Litriú na Gaeilge: an Caighdeán Oifigiúil* and, as such, is the first to follow the grammatical and orthographical standard created by *Rannóg an Aistriúcháin*. As a result, the terminology and language employed by de Bhaldraithe is largely contemporary with that of the corpus, and thus reveals what would have been understood by *Rannóg an Aistriúcháin* translators as terminological meanings and/or equivalents. His primary aim with the dictionary was to furnish the average Irish scholar with a dictionary in which they could find thousands of Irish language equivalents for modern English words and scientific terms, for the very first time (Mac Amhlaigh 2008a: 113). Having completed a PhD on the Irish of *Cois Fharraige* in 1942, de Bhaldraithe was appointed part-time by the Department of Education in 1945 to work on the *English-Irish Dictionary* (EID). The dictionary itself had originally been intended as an appendix in Roman script to McKenna's 1935 dictionary, however, the parameters of the project changed upon de Bhaldraithe's suggestion that McKenna's dictionary was a collection of dialectal forms as opposed to a comprehensive English-Irish Dictionary, and that a complete dictionary as opposed to an appendix was a more favourable endeavour. This was agreed at a committee meeting on 31 October 1945, and the project was thus expanded under de Bhaldraithe's direction (An Gúm: 1945).

As regards the methodological approach to the compilation of the dictionary, de Bhaldraithe made the decision to employ Harrap's English French Dictionary as a model, visiting expert R.P. Iago in Harrap's company in order to ascertain how exactly the dictionary was compiled and to purchase rights from Harrap to use the dictionary as a exemplar (Mac Amhlaigh, 2008a: 118). Having signed an agreement

¹⁴² 'Seachas deacrachtaí litrithe agus barraíocht canúnachais is beag locht eile ata le brath ann'.

¹⁴³ For further information on de Bhaldraithe's dictionary role in the creation and advancement of Irish language terminology, please see appropriate section in Chapter 1.

with the Irish Texts Society in December 1947 to use material from Dinneen's Dictionary in a later Irish-English Dictionary, the EID team undertook the task of reversing Dinneen to English-Irish on index cards in order to compile a vocabulary, later putting these cards into alphabetical order (Ní Bhrádaigh, 1997: 66). Following this, the assistant editors on EID set about reading and logging words from a wide range of literature, books, journals and manuscripts (Mac Ní, 1987a: 11), taking four and a half years to find and add terms from these sources to the alphabetical index. While undertaking this work, it became evident to de Bhaldraithe just how much work would be involved in the gaelicisation of the more modern terminology and vocabulary which was increasingly employed by state departments and educational institutions, and to this end, EID had something of a standardisation effect (Mac Amhlaigh 2008a: 119-120). De Bhaldraithe gaelicised prefixes and suffixes according to the basis of the word, meaning that they followed a pattern that could be followed for use in newly coined terms. To this end, he made frequent contact with the staff of *Rannóg an Aistriúcháin*, who were currently in the process of formulating an official written standard for Irish, and later appointed a part-time team of experts¹⁴⁴ to scrutinise technical terms in EID, focusing on those which they had a particular working knowledge or which had an unusual or dialectal meaning (*ibid.* at 121). Despite EID's many successes, de Bhaldraithe himself was of the opinion that McKenna's dictionary was superior as regards its richness of language, but that EID was more useful for the modern terminology. That said, EID was not without its errors, leading to the publication of the appendix *English-Irish Dictionary: Terminological Additions and Corrections* in 1978. The dictionary similarly has aged considerably since its publication, as highlighted by de Bhaldraithe in 1980:

'[EID] was a little dictionary for the average student of the Irish language. After twenty years, during a period of great change in the world and in English vocabulary, and in the development of Irish itself, the dictionary is greatly out-of-date, and a new edition with additional material in both

¹⁴⁴ Namely Seosamh Ó Cadhain (assistant editor on EID), Séamas Breatnach (translator in *Rannóg an Aistriúcháin*), and Tomás Ó hAilín (assistant in the Department of Irish in University College Dublin).

languages is urgently required, as well as, of course, corrections’ (de Bhaldraithe, 1980: 14),¹⁴⁵

While the dictionary itself has certainly become more outmoded with each passing year, both EID and de Bhaldraithe had a profound effect on the development of the Irish language, nowhere more particularly than in the field of terminology. As Mac Amhlaigh (2008b: 1150) asserts, ‘more than any other scholar, de Bhaldraithe’s work left a greater impact on Irish language lexicography and on the Irish language in print in the 20th century’, and both EID and its updated 2013 version, ‘New English-Irish Dictionary’ continue to be invaluable sources for the Irish language translator and terminologist.

Niall Ó Dónaill’s *Foclóir Gaeilge-Béarla* (1977)

Upon the publication of EID in 1959, an equivalent resource for the Irish language user searching for equivalent terms and idioms in the Irish language was sought and, with this in mind, the Department of Education set about its third Irish language lexicographical endeavour, the Irish-English dictionary, or *Foclóir Gaeilge-Béarla* (FGB). To this end, Niall Ó Dónaill, a linguist, native speaker and Irish language writer from Loch an Iúir in the Donegal Gaeltacht was appointed as editor, having spent two years translating for *An Gúm* and a further three as a lexicographical assistant to Lambert McKenna on his English-Irish dictionary. Ó Dónaill was informed upon his appointment that the Department of Education’s primary aim was to produce a dictionary for students and for the general public that would replace Dinneen’s, which was rapidly becoming out of date as regards spelling, typeface, and terminology (MacAmhlaigh, 2008a: 128). As in de Bhaldraithe’s EID, FGB employed standardised forms of words, following the rules outlined in *Rannóg an Aistriúcháin’s Gramadach na Gaeilge agus Litriú na Gaeilge: An Caighdeán Oifigiúil* (1958). While FGB was originally intended as a short dictionary of about 20,000 headwords detailing the most common words from the start of the eighteenth century onward, the scope of the dictionary was expanded upon consultation with de Bhaldraithe who had been appointed as project advisor to the dictionary (*ibid*).

¹⁴⁵ ‘*Foclóir beag le freastal ar an ngnáthfhoghlaimoir Gaeilge a bhí [in EID]. Tar éis di a bheith scór bliain ar an saol, le linn tréimshe mhór athruithe ar shaol is ar stór focal an Bhéarla, agus ar fhorbairt na Gaeilge féin, tá sí go mor as dáta is tá práinn le heagrán nua ina mbeadh ábhar breise sa dá theanga, agus, ar ndó, ceartúcháin.*’

Following this, it was decided to include:

‘Words which were in the general vernacular, their common meanings, and the usage attached to them; words which were common in prose or in poetry; technical terms which were in common use or which were required for teaching school subjects; official terms pertaining to legal matters’ (An Gúm: 1959)¹⁴⁶

This was later further expanded to include all Modern Irish terms whose usage and meanings had been confirmed, words from older literature which were not now commonly employed but whose meaning would be required by the average student of literature, and those modern technical terms which had been decided by terminology committees (Ó Dónaill 1977: vii). Ó Dónaill did not use Harrap’s dictionary (upon which EID was based) as a guide as regards a methodological approach to editing, but employed the *Concise Oxford Dictionary* and *Chambers Twentieth Century Dictionary*, as well as *Webster’s Dictionary* to compose his own system from which he could derive words (An Gúm, 1960). Regarding the layout of definitions, one important, basic principle was decided upon- that the principal meaning of the word or term would be given prominence, and that other meanings would be given in order of relevance to the principal meaning (An Gúm, 1960). Work on *Foclóir Gaeilge-Béarla* began in June 1959, and continued until the 6th July 1978, the same day that the booklet *English-Irish Dictionary: Additions and Corrections* (an appendix to EID) was published. As with its predecessors, FGB was not without its faults- Ó Corráin in particular (1987:13) has noted that it ‘has basic faults which impair it as a scholarly work’¹⁴⁷ while, according to Mac Ní (1987a: 12) the opinion exists that FGB is not sufficiently satisfactory in its instructions in the foreword. Some minor academic misgivings aside, it must be noted that FGB’s influence on Irish language pedagogy and usage in the last quarter of the twentieth century is profound, particularly given that no update or amendment to it has ever been seen fit to be produced. Ó Murchú (1978) has stated that ‘is a much more professional achievement than Dinneen’s great thesaurus’, undoubtedly due in no

¹⁴⁶ ‘Focail a bhí i ngnáthúsáid i gcaint na ndaoine, an chiall choitianta a bhí leo, cora cainte a bhí ag gabháil leo; focail a bhí coitianta i scríbhinní próis nó filíochta; téarmaí teicniúla a bhí coitianta nó a theastaigh le hábhair scoile a mhúineadh; téarmaí oifigiúla a bhain le cúrsaí dlí’.

¹⁴⁷ ‘Tá lochtaí bunúsacha ar an leabhar a loiteann é mar shaothar scolártha’.

small measure to the time, financial support and lexicographical expertise which went into its assembly. As Mac Amhlaidh (2008b: 1154) concludes,

‘Even though the dictionary is beginning to date, it stands the test of time better than the EID. Above all else, Niall Ó Dónaill and Tomás de Bhaldraithe especially can be accredited with moving Irish language dictionary-making into the modern age. The FGB, together with the EID, has served the needs of the generation raised with an education of the Irish language in the new State since independence.’

3.2. Analysis of legal terms

3.2.1. Doubt

The concept of ‘doubt’, outside of its legal semantic range, is one that may lend itself to a degree of interpretation, being in common usage in modern speech both as a verb and as a noun. Given our interest in terminological matters, we will focus on ‘doubt’ by looking first at its general definition in modern lexicography, and then in a legal context, in order to fully ascertain its meaning in a legal domain prior to assessing its Irish language terminological equivalents. ‘Amhrus’- also spelt as the now standard ‘amhras’- is the given term employed in the legislative translations at hand, presenting itself in the corpus a total of forty-two times¹⁴⁸. The Oxford English Dictionary¹⁴⁹ defines ‘doubt’ as follows:

1. a. The (subjective) state of uncertainty with regard to the truth or reality of anything; undecidedness of belief or opinion. With *pl.*: A feeling of uncertainty as to something. *spec.* Uncertainty as to the truth of Christianity or some other religious belief or doctrine (freq. *pl.* and occas. personified)

b. The condition of being (objectively) uncertain; a state of affairs such as to give occasion for hesitation or uncertainty. Phr. ***to give (an accused person) the benefit of the doubt***: to give a verdict of Not Guilty where the evidence is

¹⁴⁸ A total of 19 times as ‘amhrus’ (between 1925 and 1937), once in the plural ‘hamhruis’, 20 times as ‘amhras’ (between 1928 and 1936), and twice in the genitive singular ‘amhrais’.

¹⁴⁹ Hereafter referred to as ‘OED’.

conflicting; to assume his innocence rather than guilt; hence in wider use, to incline to the more favourable or kindly decision, estimate, or the like.¹⁵⁰

Such a definition differentiates between a subjective and objective approach to the term- given that subjectivity and objectivity are two opposing concepts, this would appear to suggest a degree of fluidity in meaning of the term. This becomes somewhat contentious, however, when ‘doubt’ is considered in a legal domain. While a monosemic relationship between a term and its related specialized concept may be difficult to attain, a degree of singularity of use and meaning is required in order to ensure fidelity to the source term and concept. As Mac Aodha describes (2014: 143-144), ‘the necessity for unambiguity and precision in LSP communication in the subject fields makes... the unambiguous assignment of a term to a concept the proper remedy’. In the case of ‘doubt’, however, the provision in OED’s definition for personal interpretation of the concept creates an ambiguity that is potentially problematic in a legal domain. Indeed, a search for a definition of ‘doubt’ throws up results from philosophical, historical, literary and even theological sources; such is the breadth of its application in differing domains.

The Dictionary of Irish Law defines the concept of doubt under ‘beyond reasonable doubt’ - a standard of proof applicable in criminal proceedings in common law jurisdictions – as follows:

The concept in the law of evidence whereby an accused is entitled to an acquittal if the prosecution has not established his guilt beyond reasonable doubt. Contrast with ‘balance of probability’

The Collins Dictionary of Law expands on this definition as follows:

beyond a reasonable doubt: the standard of proof in criminal cases in the UK, higher than the civil standard of the ‘balance of probabilities’. Contrasted with the ‘balance of probabilities’, it is not a matter of weighing up both sides and seeing who has won. Thus if matters are evenly balanced, the accused must be acquitted. Juries when charged are often reminded that they are allowed to have doubts. The doubt must be a real doubt before they acquit – it must not be a fanciful doubt.

¹⁵⁰ While some other definitions are provided- such as ‘A thing to be dreaded; danger, risk’, these are marked ‘obsolete’ and will not, as such, feature in the current discussion.

While ‘reasonable doubt’ is a well-established standard, its definition in a legal sphere is similarly difficult to pinpoint. As Whitman (2005: 3) highlights, ‘a majority of our judiciary seems to have come to the conclusion that the phrase ‘reasonable doubt’ can be assigned no definitive meaning’, and this is perhaps a result of the subjectivity of what is ‘reasonable’ as much as what an individual regards as doubtful. The standard itself was not originally primarily intended to protect the accused, having a significantly different and distinctly Christian, purpose (*ibid.*), and having originated when the passing of judgement in criminal trials had severe religious repercussions for jurors, as convicting an innocent defendant was regarded as a potential mortal sin. In order to allay such fears, the standard of ‘reasonable doubt’ was introduced into common law in the late 18th century, ‘reassuring jurors that they could convict the defendant without risking their own salvation, as long as their doubts about guilt were not ‘reasonable.’ (Whitman 2005: 3). This link to morality remains in the current legal definition of doubt in West’s Encyclopedia of American Law, in which it is stated that a ‘reasonable doubt’ is ‘such a doubt as would cause a reasonable and prudent person in the graver and more important affairs of life to pause and hesitate to act upon the truth of the matter charged. It does not mean a mere possible doubt, because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt.’

Given the multitude of definitions of ‘doubt’ outside of a legal domain, it is pertinent to question what equivalent Irish language legal term(s) are given for the concept in our sources of EN-GA/ GA-EN legal terminology. Similarly, we must also investigate what Irish terms were available for this concept during this period of study in our lexicographical sources, and why a particular term may have been chosen by *Rannóg* translators over another. Our first official source of legal terminology, *Téarmaí Dlí*, gives the following entries for ‘doubt’ and for ‘amhras’:

Doubt, benefit of the: sochar an amhrais 4.

Doubtful debts, bad and: drochfhiacha agus fiacha amhrasacha

Amhras:

sochar an amhrais: benefit of the doubt 4.

Amhrasach:

drochfhiacha agus fiacha amhrasacha: bad and doubtful debts

It is of note that both entries give ‘amhras’ as the translation equivalent of ‘doubt’ in a legal context, yet do not give either ‘doubt’ or ‘amhras’ alone; rather, it is given only as the set legal phrase ‘benefit of the doubt’ or in its form as an adjective, ‘amhrasach’. In contrast, *Focal sa Chúirt* does give doubt as a lone term, listing alternatives below as follows:

Doubt: Amhras (m)

Doubt (benefit of d.): Sochar (m) an amhrais

Doubt (beyond any reasonable d.): Thar aon amhras réasúnach

Doubtful: Amhrasach

Doubtful (bad and d. debts): drochfhiacha agus fiacha
amhrasacha

Again, ‘amhras’ alone is the given equivalent of ‘doubt’. In the GA-EN section of *Focal sa Chúirt*, however, ‘suspicion’ is added to the given translation equivalents of ‘amhras’:

Amhras: Suspicion, Doubt

Amhras réasúnta: Reasonable doubt

Amhrasach: Doubtful, Suspicious

Amhrastach: Suspect *n*

Téarmaí Dlí, in contrast, does not give any entry for ‘suspicion’, ‘suspicious’, or ‘suspect’, nor are either terms given as entries for any other Irish language legal terms. EID, however, gives ‘amhras’ alone as the translation equivalent of ‘suspicion’, with ‘amhrasach’ as first entry for ‘suspicious’, and ‘mímhuinéach’ as a second option, lending some credence to its synonymy with ‘doubt’. Our other official source of Irish language legal terminology, *An Foclóir Dubh*, gives only the following entry for ‘doubt’, in the plural:

Doubts: Remove doubts: deire do chur le hamhruis 32/29/45¹⁵¹

Given that the Irish language equivalent of ‘doubt’ given in our official English-Irish legal sources, *Téarmaí Dlí* and *An Foclóir Dubh*, in both cases, is ‘amhras’, as is the case in our non-official source of Irish legal terminology, *Focal sa Chúirt*, this shall be the Irish language term upon which we base our analysis of ‘doubt’. In order to assess the semantic range of both ‘doubt’ and ‘amhras’ in both Irish and English, it is necessary to consult our English-Irish and Irish-English lexicographical sources. The

¹⁵¹ Act number 32 of the year 1929, page 45: Finance Act/ *Acht Airgid*.

English-Irish dictionaries employed in the analysis give the following renderings of ‘doubt’:

Lane:

Doubt: amhrus, éig-cinnteacht, conntabhairt

Foley:

Doubt: amhrus, neamh-shúráillteachd, neamh-mhuiníghin

McKenna:

Doubt: agóid, agó, amhras (in general), dabht, éidearbhadh, déidearradh, mearbhall

De Bhaldraithe:

Doubt: doubt, s. Amhras m. To be in doubt, bheith in amhras, amhrasach. I am a long time in doubt about that, is fada mé ag amhras faoi sin. To cast doubts on sth., amhras a chur i rud. To have one's doubts about, as to, sth., drochamhras a bheith ag duine faoi rud. I have my doubts whether he will come, tá amhras orm nach dtiocfaidh sé. There is no room for doubt, níl aon amhras sa scéal. Beyond (a) doubt, without a doubt, gan amhras dá laghad, gan aon agó. No doubt he will come, níl aon amhras nach dtiocfaidh sé. There seems to be no doubt (but) that. . . , dealraíonn sé nach bhfuil amhras ar bith ná go . . . I haven't the slightest doubt about it, níl lá amhrais orm ina thaobh. There is no doubt about it, níl aon amhras ina thaobh.

In order to further assess the semantic range of ‘doubt’, it is necessary to assess the given equivalents of ‘amhras’ in our Irish-English lexicographical sources:

FGB:

Amhras: amhras, m. (gs. -ais). 1. Doubt. ~ a bheith ort faoi rud, to be in doubt about sth. ~ a chur i rud, to cast doubt on sth. Tá mé in ~, san ~, an bhfuil an ceart agat, I am doubtful whether you are right. Níl ~ orm nach é, ná gurb é, a rinne é, I have no doubt that it was he who did it. Gan ~, undoubtedly. Ná bíodh lá amhrais ort faoi sin, you may rest assured about that. Rud a dhéanamh le fios nó le h~, to do sth. just in case it ought to be done. Peaca an amhrais, scepticism. 2. Suspicion. ~ a tharraingt, a chaitheamh, ar dhuine, todraw, cast, suspicion on s.o. Tá ~ agam, tá mé in ~, air, I have a suspicion about him. (As vn.) Ag ~ orm, suspecting me; watching me with suspicion. 3. (a) Opinion; guess. Dul ar ~, to guess. Tá mé in ~ go n-

éireoidh leat, I am of the opinion that you will succeed. (b) Speculation. Ar ~ a chuaigh sé ann, he went there on spec. ~ ar thuilleadh, hope for more.

Dinneen:

Amhras: doubt, suspicion, anxiety, distrust

While Dinneen's 1904 Irish-English dictionary defines 'amhras' as 'doubt, suspicion, anxiety, distrust; gan amhras, doubtless,' Dinneen's 1927 Irish-English Dictionary¹⁵² expands on this definition as follows:

'Tá amhras, droch-amhras, agam air, I suspect him, have a bad opinion of him;

Níl amhras ná go bhfuil sé ann, he is there without doubt (*amhracht*, *amhrachta* {feminine}, is sometimes used in same sense);

attentions, *Tá amhras aige uirthé* (or '*n-a diaidh*') he is paying attentions to her;

Níl aon amhras aige uirthé, he does not care for her;

Táim i n-amhras, {*et cetera*}, I suspect;

Táim i n-amhras leis, I suspect him;

A amhras go, as I suspect that;

Ar amhras, on chance, at a guess, on suspicion;'

As such, aside from the additional translation equivalent of 'amhras' as 'attention' or 'care', it is primarily defined by Dinneen as a 'suspicion', in keeping with *Focal sa Chúirt*'s GA-EN entry for 'amhras', and de Bhaldraithe's entry for 'doubt' as outlined above. Niall Ó Dónaill's 1977 *Foclóir Gaeilge-Béarla*¹⁵³ (Irish-English Dictionary) defines 'amhras' firstly as 'doubt', secondly as 'suspicion', and lastly as an 'opinion; guess', even going so far as to detail 'peaca an amhrais' – literally 'the sin of doubt', as 'scepticism'. The definitions of 'amhras' as an 'opinion', 'guess' or 'suspicion' are, however, entirely subjective stances, which does not sit well with OED's definition of 'doubt' in a legal context of being '(objectively) uncertain'.

Foley's second suggestion, 'neamh-shúráillteacht', is not given in either Dinneen's Dictionary nor in *Foclóir Uí Dhónaill*. Indeed, 'súráillteacht'/'súráillteacht' is neither to be found in any contemporary Irish language dictionary. One may assume

¹⁵² Referred to hereafter as 'Dinneen's dictionary'.

¹⁵³ Referred to hereafter as 'FGB'/'*Foclóir Uí Dhónaill*'.

that this transliteration of the English ‘sure’ may well have been common in Gaelic speech prevalent at this time, in the same manner that ‘siúráilte’ may be today, and that is was as a result of this that Foley included it as an option. The decision to avoid this term for use in the legislation may be indicative of an avoidance of transliterations from the English and a tendency towards more ‘native’ Irish language forms. Similarly, the final suggestion given by Foley for ‘doubt’ is ‘neamh-mhuiníghin’ which, like that of ‘neamh-shúráillteachd’, employs the negative prefix ‘neamh-’ in order to provide an antonym of a noun suggesting certainty. While ‘neamh-mhuiníghin’ itself is not given Dinneen’s Dictionary, ‘muiníghin’ is defined by Dinneen as ‘trust, confidence, hope, cheer, recourse; resort’. FGB adds to this by describing ‘neamh-mhuinín’ as ‘1. lacking trust, confidence 2. untrustworthy, unreliable’ which, like OED’s first definition, are largely subjective terms. The semantic range of ‘muinín’, ranging from ‘trust’ to ‘cheer’ is arguably too broad to be sufficiently understood in a legal context, while the common connotations of ‘muinín’ are more strongly linked to ‘confidence’ in modern Irish. This may suggest why *Rannóg*’s translators have eschewed the use of ‘neamh-mhuinín’, favouring a non-hyphenated, non-subjective set term provide a legal equivalent of ‘doubt’ in the corpus of translated texts.

A second English-Irish lexicographical source available to *Rannóg an Aistriúcháin* translators during this period was Timothy O’Neill-Lane’s 1904 English-Irish Dictionary, which suggests ‘éig-cinnteacht’, and ‘conntabhairt’ as equivalents of ‘doubt’, as well as the favoured term ‘amhras’. Dinneen defines ‘éig-cinnteacht’ as ‘uncertainty, infinity, endlessness’, while Ó Dónaill expands on this with ‘uncertainty, indefiniteness; vagueness, ambiguity; indecision’. While Dinneen’s ‘infinity, endlessness’ are all too ambiguous to suit the semantics of ‘doubt’, FGB’s recommendations would appear to comfortably fit ‘doubt’ in a legal domain; one is uncertain or indefinite as regards another’s criminal culpability, for example. ‘Éiginnteacht’, in its modern spelling, has also been employed as the appropriate translation of doubt in particular statutory instruments, as outlined in the translations of ‘doubt’ in various Irish and EU legislation below. As *Rannóg an Aistriúcháin* were still responsible for the translation of secondary legislation at this time, this may indicate a move away from set terminological precedent and, interestingly, from ‘amhras’. O’Neill-Lane’s second suggestion, ‘conntabhairt’ is defined by Dinneen as

‘danger, risk’ primarily, and secondly as ‘doubt’, while Ó Dónaill, in contrast, suggests ‘doubt’ primarily, followed by ‘danger’ as a secondary option. Semantically speaking, ‘doubt’ and ‘danger’ are hyponyms of ‘conntabhairt’/ ‘contúirt’- both equate to the Irish term but are not synonymous with each other.

The most modern English-Irish lexicographical source available to translators during this period, Lambert McKenna’s 1935 English-Irish Dictionary, gives ‘agóid’, ‘agó’, ‘amhras (in general)’, ‘dabht’, ‘éidearradh’, ‘déidearradh’, and ‘mearbhall’ as Irish language translation equivalents of ‘doubt’. Again, ‘amhras’ is the common thread in the lexicographical suggestions, yet this is the first instance of all other options. The first suggestion, ‘agóid’, is defined by Dinneen as ‘an objection’, and this is supported by Ó Dónaill who defines it as an ‘objection, protest’. Indeed, ‘agóid’ presents itself in the corpus as the legal term for ‘objection’ a total of thirty times, and for this reason it is evident that such a term would not be appropriate as a translation of ‘amhras’. ‘Agó’, by Dinneen’s definition, is a ‘doubt, suspicion, error, an obstacle, a saving clause, ‘gan aon agó’ – without any doubt; without equivocation, without gloss.’ By this description, one would assume ‘agó’ to be a fitting representation of ‘doubt’ in its legal domain. This changes, however, when we see that it is defined in Foclóir Uí Dhónaill as an ‘objection, stipulation’- much like that of ‘agóid’. Of interest, however, is that *Rannóg* translators have not only eschewed the use of those terms outlined above, but also ‘dabht’, which is in common popular usage in the language and is defined by Dinneen as ‘doubt; used like amhras; gan dabht- undoubtedly’, and by Ó Dónaill simply as ‘doubt’. This would appear to fit Mac Aodha’s earlier recommendation that the ‘unambiguous assignment of a term to a concept the proper remedy’, and there can certainly be no ambiguity as to the definition of ‘dabht’. Furthermore, ‘dabht’ has also been employed as a translation of ‘doubt’ in statutory instruments; ‘every doubt question or dispute’ has been translated as ‘gach dabht, ceist nó díospóid’ in statutory instruments from 1981, supporting its use in a legal domain.¹⁵⁴ ‘Éidearradh’ (and its variant, ‘déidearradh’) is defined by Dinneen as ‘uncertainty’, ‘doubt’, and by Ó Dónaill as ‘lack of confirmation, of assurance; doubt, uncertainty’ and as such, much like ‘éiginnteacht’, would appear a fitting, unambiguous equivalent for ‘doubt’ in a

¹⁵⁴ More on this entry below.

legal setting. In a similar vein to that of ‘neamh-shúráillteachd’ and ‘neamhmhuiníghin’, there appears to be a tendency to favour set terms, avoiding those preceded with a negative prefix. This leads to a degree of flexibility in interpretation which would not be appropriate in a legal context: is anything less than ‘cinnte’ éiginnte, or anything less than ‘súráillteacht’ neamh-shúráillteacht? Another possibility is that ‘dearbhu’ has been employed in the corpus of texts as ‘declaration’, and the use of ‘éidearbhu’ may have lead to a degree of abstruseness in connecting these terms. McKenna’s final suggestion for ‘doubt’ is described by Ó Dónaill as ‘1. bewilderment, confusion, wandering 2. dizziness, giddiness 3. error, mistake’. So far removed is this from our OED definition of ‘doubt’, that one may question why McKenna has suggested in the first instance, and so broad is the semantic range of ‘mearbhall’ that it certainly could not be narrowed to definition in a legal domain.

Given the range of terminological options given by the lexicographical sources during this period, it is worth investigating whether or not they are employed in the corpus, in other Irish legislation, or in more modern European legislation for ‘doubt’, and if not, what is chosen in place of ‘amhras’? Examples of passages have been chosen from each set of legislation in order to give the term in its original legal context, in order that we may hypothesize as to why another term may have been more appropriate in that context than ‘amhras’.

‘Doubt’ in the corpus	
As ‘amhras’	
REACHTAÍOCHT: ACHT LEICTREACHAIS NA SIONAINNE, 1925. GA: (d) má eirghíonn aon amhras , aighneas no ceist i dtaobh ce’ca do chó-líon an tAire forálacha an ailt seo no nár dhin, agus é ag déanamh aon bhóthair no droichid, sealadach no buan, no á choinneáil i dtreo no á chur ina sheana-riocht, do réir an ailt seo, no	LEGISLATION: SHANNON ELECTRICITY ACT, 1925 EN: (d) if any doubt , dispute or question shall arise as to whether the Minister in the construction, maintenance or restoration of any temporary or permanent road or bridge pursuant to this section has complied with the provisions of this section, or as to whether a

<p>i dtaobh ce'ca is mó go mór na buntáistí atá ag puiblíocht aon chontae no bailecheanntair o dhroichead nua bhuan a dhin an tAire ná ón seana-droichead, no nach ea, tabharfidh an tAire Rialtais Áitiúla agus Sláinte Puiblí breith ar an amhrus, ar an aighneas, no ar an gceist sin agus ní bheidh dul thar an mbreith sin.</p>	<p>permanent new bridge constructed by the Minister confers substantially greater advantages on the public of any county or urban district than the original bridge, such doubt, dispute, or question shall be decided by the Minister for Local Government and Public Health whose decision shall be conclusive and final.</p>
<p style="text-align: center;">As 'amhras'</p>	
<p>REACHTAÍOCHT: ACHT RIALTAIS ÁITIÚLA, 1933</p> <p>GA: (f) isé an tAire Rialtais Áitiúla agus Sláinte Puiblí bhéarfaidh breith ar gach amhras, ceist no aighneas eireoidh le linn an ailt seo do chur in éifeacht, agus, go sonnrách, ar gach amhras, ceist no aighneas maidir leis an údarás áitiúil no leis na húdaráis áitiúla íocfaidh aon airgead is iníoctha leis an oifigeach san no le n-a ionadaí pearsanta de bhuadh an ailt seo, agus ní bheidh dul thar breith an Aire sin ar an gcéanna, ach más coiste oideachais ghairme beatha no coiste talmhaíochta an t-údarás áitiúil gur ina thaobh eireoidh aon amhras, ceist no aighneas den tsórt san raghaidh an tAire Rialtais Áitiúla agus Sláinte Puiblí i gcomhairle leis an Aire Oideachais no leis an Aire Talmhaíochta (fé mar is gá sa chás) sara dtugaidh breith ar an amhras, ar an gceist no ar an aighneas san.</p>	<p>LEGISLATION: LOCAL GOVERNMENT ACT, 1933</p> <p>EN: (f) every doubt, question or dispute which shall arise in the carrying of this section into effect, and, in particular, every doubt, question, or dispute as to the local authority or local authorities by which any moneys payable to such officer or his personal representative by virtue of this section are to be paid shall be determined by the Minister for Local Government and Public Health whose determination thereof shall be final, but where the local authority in relation to which any such doubt, question, or dispute arises is a vocational education committee or a committee of agriculture the Minister for Local Government and Public Health shall consult with the Minister for Education or the Minister for Agriculture (as the case may require) before determining such doubt, question, or dispute.</p>

Both examples from the corpus above refer to the phrase ‘doubt, dispute, or question’¹⁵⁵, which employs the rule of three in a manner typical of legal texts, where the triadic expression repeats the term by restating it in varying ways in triplicate, such as ‘give, devise, and bequeath’ in a last will and testament. While ‘doubt’, ‘question’, and ‘dispute’ are semantically related, they are not, however, synonymous. ‘Amhras’ has been chosen to convey that which ‘doubt’ represents, and indeed, neither ‘ceist’ nor ‘aighneas’ are given in any of our lexicographical sources as terminological equivalents of ‘doubt’, nor vice versa. A search for ‘dabht’, the translation equivalent of ‘doubt’ given by McKenna, Dineen, and Ó Dónaill, gives no entries either in the corpus or in any other Irish language legislation on achtanna.ie. Similarly, ‘doubt’ is translated throughout the Irish language legislation in the period 1922-1937 solely as ‘amhras’ or ‘amhrus’, and no other Irish language term employed for ‘doubt’ outside these dates – supporting *Rannóg an Aistriúcháin*’s approach to adherence to precedent. This leads to questioning as to whether or not such terminological continuity is similarly to be seen in modern European legislation, by searching for ‘doubt’ via the parallel corpus on gaois.ie:

‘Doubt’ in EU & secondary legislation	
As ‘amhras’	
REACHTAÍOCHT: Rialachán (AE) 2016/1628¹⁵⁶	LEGISLATION: Regulation (EU) 2016/1628¹⁵⁷

¹⁵⁵ Or its variant, ‘doubt, question, or dispute’.

¹⁵⁶ Full title: *Rialachán (AE) 2016/1628 ó Pharlaimint na hEorpa agus ón gComhairle an 14 Meán Fómhair 2016 maidir le ceanglais a bhaineann le teorainneacha astaíochtaí le haghaidh truailléain ghásacha agus cháithníní agus cineálcheadú i dtaca le hinnill dócháin inmheánaigh le haghaidh innealra soghluaiste nach innealra bóthair é, lena leasaítear Rialachán (AE) Uimh. 1024/2012 agus Rialachán (AE) Uimh. 167/2013, agus lena leasaítear agus lena n-aisghairtear Treoir 97/68/CE (Téacs atá ábhartha maidir le LEE).*

¹⁵⁷ Full title: Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (Text with EEA relevance).

<p>GA: Fiosróidh an Coimisiún gach cás ina mbíonn amhras air nó i gcás ina dtugtar dá aire cúis amhrais i ndáil le hinniúlacht seirbhíse teicniúla nó comhlíonadh na gceanglas agus na bhfreagrachtaí a bhfuil seirbhís theicniúil faoina réir.</p>	<p>EN: The Commission shall investigate all cases where it has doubts, or where doubts are brought to its attention, as to the competence of a technical service or the continued fulfilment by a technical service of the requirements and responsibilities to which it is subject.</p>
<p>As ‘éiginnteachtaí’</p>	
<p>REACHTAÍOCHT: Ionstraimí Reachtúla: 1980</p> <p>GA: Le hAirteagal 9 tugtar bealach chun éiginnteachtaí maidir le cáilíochtaí a shoiléiriú.</p>	<p>LEGISLATION: Statutory Instruments: 1980</p> <p>EN: Article 9 provides a means for the resolution of doubts about qualifications.</p>
<p>As ‘níltear cinnte’</p>	
<p>REACHTAÍOCHT:</p> <p>Togra le haghaidh RIALACHÁIN Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE lena leasaítear Rialachán (AE) Uimh. 1308/2013 agus Rialachán (AE) Uimh. 1306/2013</p> <p>GA: Níltear cinnte an bhféadfadh an rogha seo freagairt chuí a thabhairt ar chuid de na dúshláin atá ag teacht chun cinn maidir le patrúin tomhaltais agus maidir leis an éileamh atá ar tháirgí úra talmhaíochta.</p>	<p>LEGISLATION:</p> <p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013</p> <p>EN: There are doubts whether this option could provide a suitable response to some of the emerging challenges related to the consumption patterns and demand for fresh agricultural products.</p>

As ‘amhrasach’	
<p>REACHTAÍOCHT: Rialachán (AE) 2016/679¹⁵⁸</p> <p>GA: Gan dochar d'Airteagal 11, i gcás ina bhfuil an rialaitheoir réasúnta amhrasach maidir le céannacht an duine nádúrtha a dhéanann an iarraidh dá dtagraítear in Airteagal 15 go dtí Airteagal 21, féadfaidh an rialaitheoir a iarraidh go soláthrófaí tuilleadh faisnéise, ar gá í chun go ndeimhneofaí céannacht an ábhair sonraí.</p>	<p>LEGISLATION: Regulation (EU) 2016/679¹⁵⁹</p> <p>EN: Without prejudice to Article 11, where the controller has reasonable doubts concerning the identity of the natural person making the request referred to in Articles 15 to 21, the controller may request the provision of additional information necessary to confirm the identity of the data subject.</p>
As ‘amhras’	
<p>REACHTAÍOCHT: Ionstraimí Reachtúla: 1981</p> <p>GA: (n) Ní bheidh sé riachtanach síolta Rumex spp seachas Rumex acetosella agus Rumex maritimus a chinneadh de líon mura mbeifear in amhras faoi chomhlíonadh na gcoinníollacha atá leagtha síos i gcolún 14.</p>	<p>LEGISLATION: Statutory Instruments: 1981</p> <p>EN: (n) The determination of seeds of Rumex spp. other than Rumex acetosella and Rumex maritimus by number need not be carried out unless there is doubt whether the conditions laid down in column 14 have been satisfied.</p>

¹⁵⁸ Full title: Rialachán (AE) 2016/679 ó Pharlaimint na hEorpa agus ón gComhairle an 27 Aibreán 2016 maidir le daoine nádúrtha a chosaint i ndáil le sonraí pearsanta a phróiseáil agus maidir le saorghluaiseacht sonraí den sórt sin, agus lena n-aisghairtear Treoir 95/46/CE (An Rialachán Ginearálta maidir le Cosaint Sonraí) (Téacs atá ábhartha maidir leis an LEE).

¹⁵⁹ Full title: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance).

As ‘dabht’	
<p>REACHTAÍOCHT: Ionstraimí Reachtúla: 1981</p> <p>GA: Déanfar gach dabht, ceist nó díospóid a éireoidh ón Ordú seo a tharchur chuig an Aire a tharchuirfidh chuig Aire na Seirbhíse Poiblí é lena chinneadh a fháil, agus beidh aon chinneadh faoin Airteagal seo ón Aire sin críochnaitheach, dochloíte.</p>	<p>LEGISLATION: Statutory Instruments: 1981</p> <p>EN: Every doubt, question or dispute arising from this Order shall be referred to the Minister who shall refer it to the Minister for the Public Service for decision by him, and any decision under this Article by that Minister shall be final and conclusive.</p>

The above examples from various European legislation are indicative that the same adherence to precedent closely followed by *Rannóg an Aistriúcháin* is not necessarily to be found in EU legal translation, as the same legal term has been rendered into Irish in six different ways. While ‘amhras’ is, again, a common feature, ‘éiginnteacht’ again is given as a translation equivalent, as seen in O’Neill-Lane’s dictionary as a terminological equivalent of ‘doubt’. Defined by FGB as ‘uncertainty, indefiniteness; vagueness, ambiguity; indecision’, ‘éiginnteacht’ as an antonym of ‘cinnteacht’, or ‘certainty’, would be an appropriate Irish language equivalent of ‘doubt’ if one is to follow OED’s earlier definition of doubt as ‘the (subjective) state of uncertainty with regard to the truth or reality of anything’ or the ‘condition of being (objectively) uncertain’. This is in line with the translation ‘níltear cinnte’ in the third example above – again suggesting that anything less than certain is uncertain and therefore doubtful, and again in keeping with EID’s definition of ‘doubt’ as ‘uncertainty’. As found in EID, *Focal sa Chúirt*, and *Téarmaí Dlí*, the adjectival form of ‘amhras’, ‘amhrasach’, is employed in Regulation (EU) 2016/679 as ‘réasúnta amhrasach’ to refer to ‘reasonable doubts’. This suggests further discrepancies in EU legislation, as IATE gives ‘amhras réasúnta’ for ‘reasonable suspicion’¹⁶⁰, and gives no entry for ‘reasonable doubt(s)’. ‘Dabht’, as given in

¹⁶⁰ This entry describes the terminological domain as that of ‘Criminal law’, approved by the Lex Project, and ‘made available to IATE by Fiontar, Dublin City University, subject to review by

McKenna's English-Irish dictionary and in FGB as an equivalent of 'doubt', also appears in the European legislation, despite not featuring in any Irish legislation translated by *Rannóg an Aistriúcháin*. There is further deviation from *Rannóg's* example in the example above, as 'doubt, question, or dispute' is translated as 'gach dabht, ceist nó díospóid' in the statutory instruments, despite being translated as 'gach amhras, ceist, nó aighneas' in the Local Government Act, 1933. Similarly of note is that 'doubt' is translated in two different ways within statutory instruments from the same year - as 'dabht' and as 'amhras' in Statutory Instruments 1981. It is of interest that not only does EU legislation occasionally veer from that of Irish legislation as regards Irish language legal terminology, but that 'dabht', which arguably has less room for ambiguity than 'amhras' and has been considered appropriate in a modern legal domain by European translators continues to be avoided by *Rannóg an Aistriúcháin* in their endeavours to adhere to terminological precedent. With this in mind, it is pertinent to investigate in what ways 'amhras' itself is employed in European legislation:

'Amhras' in EU & secondary legislation	
As 'suspicion'	
<p>REACHTAÍOCHT: Ionstraimí Reachtúla: 1981</p> <p>GA: (b) fógra nó scéala a chur ar aghaidh go bhfuil amhras air go bhfuil galar aicídeach ar dhuine nó gur iompróir galair aicídigh é agus go bhfíorófar an t-amhras sin ina dhiaidh sin</p>	<p>LEGISLATION: Statutory legislation: 1981</p> <p>EN: (b) sends a notification or intimation that he suspects that a person is suffering from or is a carrier of an infectious disease and such suspicion is subsequently confirmed</p>

translators of the European Union institutions' ('chuir Fiontar, Ollscoil Chathair Bhaile Átha Cliath, ar fáil do IATE iad, faoi réir a n-athbhreithnithe ag aistriúcháin institiúidí an Aontais Eorpaigh').

As ‘questionable’	
REACHTAÍOCHT: Rialachán (CE) Uimh. 1272/2008¹⁶¹ GA: Cuirfear histeapaiteolaíocht san áireamh maidir le loit a bhfuil amhras fúthu a mheas.	LEGISLATION: Regulation (EC) No 1272/2008¹⁶² EN: Histopathology shall be considered to evaluate questionable lesions.
As ‘suspected’	
REACHTAÍOCHT: Rialachán (AE) Uimh. 608/2013¹⁶³ GA: an ceart maoine intleachtúla a bhfuil amhras ina leith gur sáraíodh é;	LEGISLATION: Regulation (EU) No 608/2013¹⁶⁴ EN: suspected intellectual property right infringed;
As ‘question’	
REACHTAÍOCHT: Bunreacht na hÉireann, 1937 GA: 3 ^o Ní bheidh dlínse ag Cúirt ar bith chun bailíocht dhlí nó fhorála ar bith de dhlí a chur in amhras is dlí a ndearna an tUachtarán an Bille lena aghaidh a chur faoi bhreith na Cúirte	LEGISLATION: The Constitution of Ireland, 1937 EN: 3 ^o No Court whatever shall have jurisdiction to question the validity of a law, or any provision of a law, the Bill for which shall have been referred to the Supreme Court by the President under

¹⁶¹ Full title: *Rialachán (CE) Uimh. 1272/2008 ó Pharlaimint na hEorpa agus ón gComhairle an 16 Nollaig 2008 maidir le haicmiú, lipéadú agus pacáistiú substaintí agus meascán, agus lena leasaítear agus lena n-aisghairtear Treoir 67/548/CEE agus Treoir 1999/45/CE, agus lena leasaítear Rialachán (CE) Uimh. 1907/2006.*

¹⁶² Full title: Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006.

¹⁶³ Full title: *Rialachán (AE) Uimh. 608/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 12 Meitheamh 2013 maidir leis an bhforghníomhú a dhéanann údarais chustaim ar chearta maoine intleachtúla agus lena n-aisghairtear Rialachán (CE) Uimh. 1383/2003 ón gComhairle.*

¹⁶⁴ Full title: Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003.

Uachtaraí faoi Airteagal 26 den Bhunreacht seo, ná chun bailíocht fhorála de dhlí a chur in amhras má rinne an tUachtarán an fhoráil chomhréire sa Bhille le haghaidh an dlí sin a chur faoi bhreith na Cúirte Uachtaraí faoin Airteagal sin 26.	Article 26 of this Constitution, or to question the validity of a provision of a law where the corresponding provision in the Bill for such law shall have been referred to the Supreme Court by the President under the said Article 26.
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The use of ‘amhras’ as ‘suspicion’ as given in *Focal sa Chúirt* is similarly seen in Statutory Instruments 1981, the same instruments in which ‘amhras’ was also the given translation equivalent of ‘doubt’ and, moreover, ‘doubt’ translated as ‘dabht’, revealing significant terminological discrepancies not only between Irish and European translated legislation, but within legislative instruments themselves. Furthermore, ‘amhras’ has been translated as ‘questionable’, and ‘a chur in amhras’ as the verb ‘to question’. This is at odds with our earlier triatic phrase ‘doubt, question, or dispute’ in which ‘question’ was translated as ‘ceist’ both in *Rannóg*-translated and EU-translated legislation. This adds to a degree of semantic overlap between ‘doubt’ and ‘question’ which has elsewhere been avoided, and which could have been sidestepped by the use of the verb ‘ceistigh’ as opposed to ‘amhras a chur’. Finally, ‘amhras’ also appears in our European legislation as ‘suspected’, which relates to ‘suspicion’ above, and which is further endorsed in EID. As ‘suspect’ and ‘suspicion’ are so intrinsically linked with ‘amhras’, to the extent that there are more examples of ‘amhras’ as the translation equivalent of these terms than that of ‘doubt’, it is of interest that ‘amhras’ has not been employed for ‘suspect’ and ‘suspicion’ alone, and ‘dabht’ alone employed for ‘doubt’ in order that any ambiguity may be avoided. Indeed, a search for ‘dabht’ in European legislation only gives the term as a translation equivalent of ‘doubt’ or as ‘gan dabht’ (meaning ‘without doubt’) as a translation of ‘with certainty’, which again is in line with EID’s definition of ‘doubt’ as the ‘(subjective) state of uncertainty’ or the ‘condition of being (objectively) uncertain’, as evidenced in the examples below:

‘Dabht’ in EU & secondary legislation	
As ‘doubt’	
<p>REACHTAÍOCHT: Ionstraimí Reachtúla: 1981</p> <p>GA: Déanfar gach dabht, ceist nó díospóid a éireoidh ón Ordú seo a tharchur chuig an Aire a tharchuirfidh chuig Aire na Seirbhíse Poiblí é lena chinneadh a fháil, agus beidh aon chinneadh faoin Airteagal seo ón Aire sin críochnaitheach, dochloíte.</p>	<p>LEGISLATION: Statutory legislation: 1981</p> <p>EN: Every doubt, question or dispute arising from this Order shall be referred to the Minister who shall refer it to the Minister for the Public Service for decision by him, and any decision under this Article by that Minister shall be final and conclusive.</p>
As opposite of ‘certainty’	
<p>REACHTAÍOCHT: Rialachán (AE) Uimh. 549/2013¹⁶⁵</p> <p>GA: Ar ndóigh, is annamh a shainmhínítear saintréithe seirbhísí den sórt sin ar bhealach atá beacht go leor chun a chinneadh gan dabht ar bith an féidir an dá aonad seirbhíse éagsúil a mheas mar aonaid choibhéiseacha nó nach féidir, i.e. más gá a mheas go gcomhfhreagraíonn siad don táirge aonchineálach ceannann céanna nó do dhá tháirge ar leith.</p>	<p>LEGISLATION: Regulation (EU) No 549/2013¹⁶⁶</p> <p>EN: Indeed, the characteristics of such services are seldom defined in a sufficiently precise way for it to be possible to determine with certainty whether two different service units can be considered as being equivalent, i.e. if they have to be regarded as correspondent with one same homogeneous product or with two separate products.</p>

¹⁶⁵ Full title: *Rialachán (AE) Uimh. 549/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 21 Bealtaine 2013 maidir leis an gcóras Eorpach cuntas náisiúnta agus réigiúnach san Aontas Eorpach Téacs atá ábhartha maidir leis an LEE.*

¹⁶⁶ Full title: Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (Text with EEA relevance).

Study of the terminological alternatives to ‘amhras’ avoided by *Rannóg* translators, therefore, already gives some indication as to their adherence to precedent in their attempts to establish the Irish language in a legal domain. The analysis of ‘amhras’ and of the other translational equivalents to ‘doubt’ employed by European translators are perhaps suggestive of a more modern or liberal approach to legal terminology or, conversely, to a failure to establish a terminological precedent as yet.

3.2.2. Prevention/ Obstruction/ Prohibition/ Inhibition

Four terms, ‘prohibition’, ‘inhibition’ ‘prevention’, and ‘obstruction’, will be considered together in the following terminological analysis, as each of the four appear in the corpus in Irish as two separate legal terms, namely ‘cosc’ and ‘toirmeasc’. Furthermore, there is a degree of overlap and interchangeability not only in the employment of the two terms themselves in Irish in the corpus, but in their translation equivalents given in our lexicographical sources in English. ‘Cosc’ is employed a total of 36 times in the corpus; 35 times as a noun, and once as the verb ‘a chosc’, while ‘toirmeasc’ appears a total of 98 times in the corpus; 49 times in the nominative singular, ‘toirmeasc’, 26 times as the verbal noun ‘a thoirmeasc’, and 23 times in the genitive singular ‘toirmisc’. In order to ascertain which Irish term best fits its English equivalent, it is necessary to assess the semantics of the terms in English, first in a general and then legal context. The *Oxford English Dictionary of Law* defines ‘prohibition’ as follows:

prohibition – n. 1. the action of forbidding or preventing something 2. an order that forbids something 3. (prohibition) the prevention by law of the manufacture and sale of alcohol in the US from 1920 to 1933.

In a legal context, we may take it that definitions 1. and 2. above fulfil the requirements of what is required by ‘prohibition’ in our corpus, insofar as it indicates an authoritative ban or sanction.¹⁶⁷ The noun ‘inhibition’, and verb ‘inhibit’, are defined by *OED* as:

¹⁶⁷ While the third entry pertains to law - specifically the legality of alcohol during the prohibition period - it relates to American law in the early 20th Century and thus will not be considered in the current study.

inhibition – n. 1. a feeling that makes you unable to act in a relaxed and natural way 2. the action of inhibiting

inhibit v.1. hinder or prevent an action or process 2. make someone unable to act in a relaxed and natural way

In contrast, this definition of ‘inhibition’ has lost its authoritative undertones. The focus in this description is on the hindering or impeding of a particular act, as opposed to banning it or outright forbidding it, as it suggested with ‘prohibition’. Our third legal term which is used interchangeably with the above in our lexicographical sources is ‘prevention’, which *OED* defines in the following way:

prevention – (prevent) v 1. stop something from happening 2. stop someone from doing something . origin Latin *praevenire* ‘precede’

‘Prevention’ here is much more in line with ‘prohibition’ above, though there remains a semantic incongruity between the two. While a ‘prohibition’ suggests an official or authoritative request to refrain from an act, ‘prevention’ suggests a successful attempt to stop the act from occurring in the first instance, and thus differs also from ‘inhibit’ which implies an attempt at prevention. Our final English legal term, ‘obstruction’ is defined as follows:

obstruction – (obstruct) v 1. be in the way of; block 2. prevent or hinder
(obstruction) n. 1. an obstacle or blockage 2. the action of obstructing

This definition is much more in line with that of ‘inhibit’, however, while ‘inhibit’ specifies ‘an action or process’ in *OED*’s description above, the definition of obstruction appears to suggest a physical, rather than procedural, inhibition. It is in these semantic nuances that the importance of equivalence in translation and in legal terminology is most felt, as while all four terms belong in the same semantic domain, they are not all semantically equivalent. The terminological vocabulary of a specialist subject field such as that of law requires a level of accuracy which can only be achieved by a term being both monosemous (having one meaning) and mononymous (consisting of one word) as far as is possible. While synonymy (where two or several terms express the same concept) is a common feature of legal terms in legal languages such as English which have several layers of language, it is arguably of particular importance for a minority language such as Irish (not least given its weakened status and lack of appropriate terminology during this period of study) that one legal English term equal one Irish legal term. At the very least, given the prioritative status given to the Irish language in the context of legal translation in the

Republic of Ireland, one would expect that a number of legal Irish terms would not be used interchangeably for different legal concepts. As Brækhus describes,

'...Legal science differs from the natural sciences: the laws of nature are the same everywhere. The difference is evident in the relationship between language and its object. The language of a natural science cannot change reality: if a plant is described wrongly or inaccurately, it remains as it was none the less. But if the legislator, in a new law, describes a legal phenomenon otherwise than in an earlier law, then the legal reality changes: law only exists in human language' (Brækhus 1956: 14, cited in Mattila 2013: 137)

In other words, whether a legal term be 'pure' insofar as it exists only in a legal domain, or be it sometimes used in other contexts, but have a particular meaning in certain legal relationships (as with our four terms), a legal term enshrined in legislation is afforded legal status and power which necessitates that it be accurately employed, as to do otherwise is to change the law itself.

With this in mind, it is timely to consider the definitions of each of these terms in a legal domain, by consulting our sources of legal lexicography. The Dictionary of Irish Law defines 'prohibition' as follows:

'An order of the High Court preventing or prohibiting a body or person from exercising a power it does not legally possess. Relief by way of prohibition will be refused where the matter raised is properly one of defence'

This legal definition of 'prohibition' is in line with that of OED insofar as it necessitates an outright ban of a particular action by way of imposing an order. While this authoritative sanction fits particularly with OED's second entry, 'an order that forbids something', the overlaps between our four terms are already seen, as the term 'preventing' is employed in outlining the legal definition of 'prohibition'. The same legal dictionary defines 'inhibition' as:

'An entry in the register of the Land Registry in respect of registered land in the form of a restriction on registration; the restriction will prevent all registrations except those made in compliance with the inhibition. It imposes on a subsequent applicant for registration the onus of ensuring that the registration he applies for complies with the inhibition. Inhibitions are used to project interests which are not permitted to be registered as *burdens* (qv)'

In defining ‘inhibition’ in a legal domain, we see parallels with OED’s first entry on ‘inhibit’ - to ‘hinder or prevent an action or process’ - as the action in question is not forbidden outright, but hindered by certain stipulations. As with our legal definition of ‘prohibition’, there is further overlap with our four terms for analysis, as ‘prevent’ is again employed in defining ‘inhibition’. This is particularly of note, as the Dictionary of Irish Law does not give an entry for ‘prevention’, perhaps indicating that its use in a legal domain is all too rare. Our final term, ‘obstruction’ is defined by the Dictionary of Irish Law as follows:

‘Under draft legislation, it is proposed to increase the fine for willfully preventing or interrupting the free passage of any person or vehicle in any public place: Criminal Justice (Public Order) Bill 1993 s.10’

Here, the use of ‘prevention’ in defining ‘obstruction’ in a legal context is again a common feature and, as with OED’s definition, suggests a physical as opposed to procedural hindrance by specifying the free passage of any person or vehicle’. As such, our legal definitions of each of our four terms appear to be very much in line with those of OED, with the term ‘prevent(ion)’ a common thread. Having established the semantics of each of these terms both within and outside a legal domain, it is pertinent to question what equivalent Irish language legal term(s) are given for the concept in our sources of EN-GA/ GA-EN legal terminology. Similarly, we must also investigate what Irish terms were available for this concept during this period of study in our lexicographical sources, and why a particular term may have been chosen by *Rannóg* translators over another.

Our first official source of legal terminology, *Téarmaí Dlí*, gives the following entries for ‘prohibition’, ‘inhibition’, and ‘obstruction’, with ‘prevention’ again omitted:

Prohibit, I: toirmiscim

prohibition order: ordú toirmisc

ordú toirmisc: prohibition order

Inhibition: toirmeasc

Toirmeasc: inhibition

ordú toirmisc: prohibition order

Toirmiscim: I prohibit

Obstruct, I: coiscim

Obstruction: cosc

Coiscim: I obstruct

Cosc: obstruction

Tearmaí Dlí thus gives ‘toirmeasc’ as a translation equivalent of ‘prohibition’ and ‘inhibition’ (with ‘prohibition’ included under ‘prohibition order’ and the verb ‘I prohibit’) yet ‘inhibition’ alone for ‘toirmeasc’ as a lone term, and vice versa. Cosc, however, is the given entry for ‘obstruction’ alone, and is the only consistent term of the four in both the EN-GA and GA-EN sections. Adding to this terminological inconsistency, our unofficial source of legal terminology, *Focal sa Chúirt*, gives the following entries for ‘prohibition’, ‘inhibition’, ‘obstruction’, and ‘prevention’ in its English-Irish section, and for ‘toirmeasc’ and ‘cosc’ in its Irish-English section.

Prohibit vb: toirmisc

Prohibition: toirmeasc

Inhibition: toirmeasc

Obstruct vb : toirmisc

Obstruction: toirmeasc

Prevent vb: coisc

Prevention n: cosc

Toirmeasc: inhibition, prohibition

Toirmisc: ban, obstruct, prohibit

Cosc: prevention

Coisc: prevent

As with TD, the only consistent term in *Focal sa Chúirt* is that of ‘cosc’, however, while in TD ‘cosc’ is the given translation equivalent of ‘obstruction’, in *Focal sa Chúirt*, ‘cosc’ is the only given Irish language equivalent of ‘prevention’. ‘Prohibition’, ‘inhibition’, and ‘obstruction’ are all given solely as ‘toirmeasc’ in the EN-GA section, yet in the the GA-EN section, ‘obstruction’ is omitted as a translation equivalent of ‘toirmeasc’. Furthermore, under the verbal form ‘toirmisc’, ‘inhibit’ is excluded where ‘obstruct’ and ‘prohibit’ are included, and the verb ‘ban’ added in where it had been omitted in the noun form of the term, ‘toirmeasc’. This is further confused by the entry for ‘ban’ in the EN-GA section, which gives

‘toirmeasc’ and ‘toirmisc’ as the noun and verbal form Irish language equivalents. Our second authoritative source of Irish language legal terminology, *An Foclóir Dubh*, gives both ‘cosc’ and ‘toirmeasc’¹⁶⁸ (as well as ‘urghairt’) as equivalents of ‘prohibition’, yet gives no entry for ‘inhibition’, which is at odds with our other authoritative source, *Téarmaí Dlí*, which gives ‘toirmeasc’ alone as an equivalent of ‘inhibition’. Furthermore ‘cosc’ is given as an equivalent not only of ‘obstruction’¹⁶⁹ (with ‘bac’ and ‘constaic’ given as further equivalents), but also of ‘prevention’¹⁷⁰. It appears that such a terminological interchangeability had existed for some time, as the given sources for these terms are acts dated from 1930 and 1931, Statutory Rules and Orders¹⁷¹, and documents previously translated by the Department of Local Government¹⁷² and the Department of Industry and Commerce¹⁷³. The use of ‘prevention’ as an equivalent of ‘cosc’ is reiterated in *Focal sa Chúirt* which gives ‘toirmeasc’ as the given equivalent of ‘obstruction’ in the English-Irish section, yet a search for ‘toirmeasc’ in the Irish-English section of the same publication gives both ‘inhibition’ and ‘prohibition’. Furthermore, it appears that even the authoritative sources, *an Foclóir Dubh* and *Rannóg* translated legislation, are equally as inconsistent in their rendering of these terms, with ‘cosc’ and ‘toirmeasc’ employed interchangeably for obstruction, prevention, prohibition, and inhibition. It is notable that ‘prevention’ is absent from *Téarmaí Dlí*, yet not from *an Foclóir Dubh*, indicating that *Téarmaí Dlí* itself (having been based solely on only ten acts) is neither sufficiently comprehensive nor modern to use as a terminological basis for English-Irish legislative translation. There are various reasons for this. Firstly, *Téarmaí Dlí* has long been out of print, without ever being re-issued, amended, expanded, or supplemented, yet has been incorporated into *tearma.ie* and its sister site *gaois.ie*. Secondly, while the publication supposedly represents a systematic attempt to provide an exhaustive, official list of core legal terms in Irish, O’Rourke (2014: 266) has described it as a ‘modest collection’ upon which ‘only a very limited

¹⁶⁸ Act 7/32/7 Act number 7 of the year 1932, page 7: Eucharistic Congress (Miscellaneous Provisions) Act/ *Acht um Chomóradh Chuirp Chríost (Forálacha Ilghnéitheacha)*.

¹⁶⁹ entry: ‘obstruct - cosc, obstruction – bac 54/31/11, constaic S. R. & O. 26/30/35, T&T 92(a)’.

¹⁷⁰ entry: ‘prevent - cosc, R.A. 810 / ‘cosc ná teora’ 11/31/15’.

¹⁷¹ referred to by abbreviation ‘SR&O’.

¹⁷² referred to by abbreviation ‘RA’ – *An Roinn Rialtais Áitiúil*.

¹⁷³ referred to by abbreviation ‘T&T’ – *An Roinn Tionnscail agus Tráchtála*.

form of litigation could be envisaged through the medium of Irish'. This, paired with the apparent confusion as to which specific Irish legal term answers the same legal term in English, leads to questions as to how robust the Irish language translations are in a legal domain.

As *Téarmaí Dlí* is our only authoritative¹⁷⁴ published source of Irish language legal terminology (the other authoritative sources being the acts themselves and the unpublished *Foclóir Dubh*), we will first take its given translation equivalent of 'cosc' – 'obstruction' – as our basis from which to search for other Irish language equivalents in our lexicographical sources, before investigating what translation equivalents are given for our other three terms, 'prohibition', 'inhibition', and 'prevention'. To this end, the following are given as Irish language renderings of 'obstruction':

Lane:

Obstruction: cosc, toirmeasc

Foley:

Obstruction: cosg, cruadhachd, deacarachd, toirmeasg

McKenna:

Obstruction: bac, bachlóg, baslóg, cosc, croismhargaidh, crosán, staic, toirmeasc (of proceedings)

De Bhaldraithe:

Obstruction: bac, bacadh (slí), calcadh, ceataí, cur isteach, stopainn, toirmeasc

It is of interest that our earlier lexicographical sources, Lane, Foley, and McKenna, all have 'cosc' as a common thread, yet our most modern – and authoritative – source, de Bhaldraithe, has omitted 'cosc' as a translation equivalent of 'obstruction'. Rather, 'toirmeasc' is the only term given by every source, and 'bac' a given term in two of our four dictionaries. This recurrence of 'toirmeasc' is particularly of note as

¹⁷⁴ 'Since the foundation of the state only one collection of legal terms purporting to be authoritative and authentic has been published and that was *Téarmaí Dlí (TD)* in 1957' - O'Rourke, 2014: 265.

both both ‘prohibition’ and ‘inhibition’ are given as ‘toirmeasc’ in our authoritative legal source *Téarmaí Dlí*. How, then, do the renderings of ‘inhibition’ in our English-Irish lexicographical sources fit in with that of ‘prohibition’? Our given options for ‘inhibition’ are:

Lane:

Inhibition: cosc, staonadh, diúltadh, toirmeasc

Foley:

Inhibition: cosg, staonadh, diúltadh

McKenna:

Inhibition: [no entry]

De Bhaldraithe:

Inhibition: aithne, col, cosc, staonadh, diúltadh, toirmeasc, urchoilleadh

While McKenna gives no entry for ‘inhibition’, all other three dictionaries give ‘cosc’ as a translation equivalent of ‘inhibition’, with ‘staonadh’ and ‘diúltadh’ also common features in the three EN-GA sources. Given that another two terms appear as often in our lexicographical sources as that of ‘cosc’, one must question why such terms were not used in place of ‘cosc’ by *Rannóg an Aistriúcháin* when assessing the available Irish language translation equivalents of ‘inhibition’. FGB defines ‘staonadh’ as ‘abstention... cessation, stop... restraint, check’, while ‘diúltú’ is defined as ‘denial, refusal...renunciation’. To this end, neither terms appear to be an appropriate fit for ‘inhibition’ as defined by OED as to ‘hinder or prevent an action or process’, as the FGB given terms for ‘staonadh’ appear to require a personal choice or decision to inhibit oneself by abstaining or refraining from a particular action, while ‘diúltú’ has similar, more negative, undertones, suggesting an outright personal refusal. ‘Toirmeasc’ however, is only a given option in half of our English-Irish dictionaries, despite being the given Irish language term for ‘inhibition’ in *Téarmaí Dlí* and in *Focal sa Chúirt*. Given that the same two sources of legal terminology also give ‘toirmeasc’ as a translation equivalent of ‘prohibition’, it is pertinent to investigate what Irish language terms are given as translation equivalents in our English-Irish sources:

Lane:

Prohibition: col

Foley:

Prohibition: bacadh, cosg, toirmeasg

McKenna:

Prohibition: cosc, crois, toirmeasc, urghairt

De Bhaldraithe:

Prohibition: cosc, toirmeasc, cros

This overlap in the use of ‘toirmeasc’ and ‘cosc’ is thus reiterated in our lexicographical sources, with Foley, McKenna, and de Bhaldraithe all giving both ‘cosc’ and ‘toirmeasc’ as equivalents of ‘prohibition’. This is further confused in Lane’s dictionary which, while giving ‘col’ as the chosen equivalent of ‘prohibition’, suggests ‘coiscim’ and ‘toirmeascaim’ for the verb ‘prohibit’. Furthermore, the same dictionary gives both ‘toirmeasc’ and ‘cosc’ as its given equivalents of ‘inhibition’, adding to the semantic confusion surrounding the appropriate Irish language equivalents of the four terms ‘prohibition’, ‘inhibition’, ‘prevention’, and ‘obstruction’ in a legal context. Our fourth term in Irish for which both ‘cosc’ and ‘toirmeasc’ have been used in our authoritative sources is ‘prevention’. A search for this in our English – Irish sources gives the following:

Lane:

Prevention: coscadh

Foley:

Prevention: bacadh, cosg

McKenna:

Prevention: bac, bacadh, bacain, coinneáil, cosc, srian, toirmeasc

De Bhaldraithe:

Prevention: bacadh, cosc

While ‘cosc’ is again the common thread in the lexicographical sources above, ‘bac(adh)’ is also a common thread in all but Lane’s English-Irish dictionary. FGB defines the noun ‘bac’ as a ‘balk, hindrance... to hinder, restrain... barrier’ and specifies with this abbreviation for ‘jurisprudence’, *jur*, ‘stay (of proceedings).’ In this manner, ‘bac’ is not entirely semantically congruent with ‘prevent’, which is defined by OED as to ‘stop something from happening’. The verbs ‘hinder’ and ‘restrain’ given for ‘bac’ suggest an attempt at stopping, as opposed to a successful prevention. ‘Cosc’ thus appears to be an appropriate rendering of ‘prevention’, having been thus given in *Focal sa Chúirt* and *an Foclóir Dubh* (yet peculiarly

omitted from *Téarmaí Dlí*). Given that our original Irish language legal terms for analysis, ‘cosc’ and ‘toirmeasc’, are such recurrent features in our dictionaries, it appears that *Rannóg an Aistriúcháin* translators may well have consulted these lexicographical sources while engaged in their translation endeavours.

In order to further assess the semantic range of our terms in English, it is necessary to assess the given equivalents of ‘cosc’ in our Irish-English lexicographical sources:

FGB:

Cosc: check, restraint; prevention, prohibition, restrain, gan chosc, unchecked, unrestrained. Gan chosc gan cheangal, without let or hindrance

Dinneen:

Cosc: a brake, a cessation, a giving up, correcting, hindering, hindrance, impediment, intercepting, obstruction, preventing, prevention, prohibition, reprimanding, restraining, restraint, restriction, and stop

Two of our four terms, ‘prevention’ and ‘prohibition’ are given as translation equivalents of ‘cosc’ above. This overlap is similarly seen in our sources of Irish legal terminology, with TD giving ‘toirmeasc’ as both ‘prevention’ *and* ‘prohibition’, *Focal sa Chúirt* differentiating between the two by giving ‘toirmeasc’ for ‘prohibition’ and ‘prevention’ for ‘cosc’, and *an Foclóir Dubh* giving both ‘cosc’ and ‘toirmeasc’ for ‘prohibition’, but ‘cosc’ alone for ‘prevention’. One other term, ‘restraint’, is given by both FGB and Dinneen as an English translation equivalent of ‘cosc’, and indeed, this commonality between ‘cosc’ and ‘restraint’ is supported by EID, which gives ‘cosc’, ‘bac’, and ‘srian’ in its entry for ‘restraint’. Similarly of note is that ‘obstruction’ is a given translation equivalent of ‘cosc’ in Dinneen alone, having been omitted in our most recent and authoritative dictionary, FGB. This is particularly peculiar given that ‘cosc’ is the only Irish language term given for ‘obstruction’ in *Téarmaí Dlí*, and is similarly given as a translation equivalent of ‘obstruction’ in *an Foclóir Dubh*.

In order to gain further insight as to how ‘toirmeasc’ may be employed in the same manner as ‘cosc’, and as an alternative rendering of these four terms, it is necessary

to again consult the Irish – English lexicographical sources available to translators of this era:

FGB:

Toirmeasc: prohibition; prevention, hindrance, mischief, dissension, mishap, misfortune

Dinneen:

Toirmeasc: destruction, dissension, forbidding, hindering, hindrance, impediment, inhibition (TD & Focal sa Chúirt), mischief, mishap, obstacle, obstructing, obstruction, opposition, prohibiting, prohibition, row, setback

All our four English legal terms, ‘prohibition’, ‘inhibition’, ‘prevention’, and ‘obstruction’ are given as translation equivalents of ‘toirmeasc’ across our two Irish-English lexicographical sources, yet neither dictionary gives all four as an equivalent. The only term of our four given in both sources is that of prohibition¹⁷⁵, for which ‘toirmeasc’ is the given Irish equivalent in TD, *Focal sa Chúirt* and *an Foclóir Dubh*, supporting its suitability in a legal domain.

Having given due consideration to the usage of these terms in lexicography and having established the semantics of each both within and outside of a legal domain, it is necessary to consider how each are employed in the corpus at hand and, where appropriate, in other Irish legislation. As stated, ‘cosc’ is employed a total of 36 times in the corpus, and while our authoritative source *Téarmaí Dlí* defines it solely as ‘obstruction’, our other authoritative source *an Foclóir Dubh* has it listed as an option for ‘obstruction’, ‘prevention’ and ‘prohibition’. It is impossible to know whether *an Foclóir Dubh* has the translated acts to blame for such terminological inconsistency or vice versa, but such irregularity is similarly found in the corpus. ‘Cosc’ is at once used as a translation of ‘prohibition’, ‘preventing’, ‘obstruct’, ‘hindrance’, ‘hinder’ and ‘preclude’ – varying terms which, as outlined above, also hold varying semantic nuances.

¹⁷⁵ While ‘mischief’, ‘hindrance’, and ‘mishap’ are also common given equivalents in the two sources, they do not pertain to a legal domain and will not thus be considered in this analysis.

‘Cosc’ in the corpus	
As ‘prohibition’	
REACHTAÍOCHT: ACHT TALMHAN, 1923 GA: (d) Cosc ar ús pionósach ar mhorgáistí an fhaid a bheidh an díol gan críochnú’	LEGISLATION: LAND ACT, 1923 EN: ‘ Prohibition of penal interest on mortgages pending sale’
As ‘preventing’	
REACHTAÍOCHT: ACHT RIALTAIS ÁITIÚLA, 1925 GA: (f) Féadfidh údarás sláintíochta fo-dhlithe do dhéanamh chun go gcimeádfar glan agus i dtreo chun comhnaithe ionta cábáin, cóistí, seideanna, agus déanmhachtaí den tsórt san a húsáidtear mar áiteanna comhnaithe do dhaoine, no báirsí a húsáidtear mar áiteanna comhnaithe do dhaoine, agus chun cosc do chur leis na daoine ina gcomhnaí ionta do leatha galair aicídigh, agus go generálta chun cráitísí a bhainfadh leo do chosc .’	LEGISLATION: LOCAL GOVERNMENT ACT, 1925 EN: ‘A sanitary authority may make bye-laws for promoting cleanliness in, and the habitable condition of, tents, vans, sheds, and similar structures used for human habitation, or of barges used for human habitation, and for preventing the spread of infectious disease by the persons inhabiting the same, and generally for the prevention of nuisances in connection with the same.’
As ‘obstruct’	
REACHTAÍOCHT: ACHT RIALTAIS ÁITIÚLA, 1925 GA: ‘(2) Tar éis iarratas d'fháil ón gcomhairle 'na bhfuil coinneáilsuas aon bhóthair áirithe de chúram ortha, más deimhin leis an Aire, maidir le foirgint no déanmhacht eile atá suidhte no 'na	LEGISLATION: LOCAL GOVERNMENT ACT, 1925 EN: ‘(2) Where the Minister, on the application of the council charged with the maintenance of any road, is satisfied that a building or other structure which or any portion of which is situate within

<p>bhfuil cuid de suidhte laistigh de dheich slata fichead o bhóthar, go ndéanfadh sí an oiread san cosca ar radharc daoine a bheadh ag úsáid an bhóthair sin is go mbeadh an bóthar san contabharthach do sna daoine sin, féadfa sé a ordú go gcuirfar as an slí aon chuid den bhfoirgint no den déanmhacht san atá suidhte laistigh de dheich slata fichead ón mbóthar san agus leis an ordú san féadfa sé aimsir do cheapa gur laistigh di a déanfar an cur-as-an-slí sin.’</p>	<p>thirty yards of a road obstructs the view of persons using such road so as to render such road dangerous to such persons, he may order the removal of any portion of such building or structure situate within thirty yards of such road and may by such order specify a time within which such removal is to be completed.’</p>
<p>As ‘hindrance’</p>	
<p>REACHTAÍOCHT: ACHT LEICTREACHAIS NA SIONAINNE, 1925</p> <p>GA: Nuair a bheidh sé ag déanamh oibreacha fén Acht so ní bheidh ar an Aire ná ar aon chonnarthóir na <i>Fisheries (Ireland) Acts, 1842 to 1909</i>, do chó-líona, ach tabharfidh agus déanfidh an tAire no, i gcás oibreacha a dhéanfidh connarthóir do, cuirfe sé fé ndeár go dtabharfidh agus go ndéanfidh an connarthóir, pé aire agus socruithe is dó leis an Aire is leor, tar éis dul i gcomhairle leis an Aire Iascaigh, chun iascach do chaomhaint agus díobháil do sheachaint le linn no de dheascaibh aon oibreacha do bheith á ndéanamh fén Acht so, maran deimhin leis an Aire, tar éis dul i gcomhairle mar adubhradh,</p>	<p>LEGISLATION: SHANNON ELECTRICITY ACT, 1925</p> <p>EN: ‘When constructing works under this Act it shall not be obligatory on the Minister or any contractor to comply with the <i>Fisheries (Ireland) Acts, 1842 to 1909</i>, but the Minister shall take and make or, in the case of works executed for him by a contractor procure that the contractor shall take and make such precautions and provisions as the Minister, after consultation with the Minister for Fisheries, shall consider adequate for the protection of and avoidance of injury to fisheries during or in consequence of the construction of any works under this Act, unless the Minister after such consultation as aforesaid is</p>

nách féidir an chaomhaint sin do dhéanamh ná an díobháil sin do sheachaint gan dochar mór do theacht as do sna hoibreacha no cosc mór le n-a ndéanamh.’	satisfied that such protection cannot be afforded or such injury cannot be avoided without substantial detriment to the works or substantial hindrance to their construction.’
As ‘hinder’	
REACHTAÍOCHT: ACHT LEICTREACHAIS NA SIONAINNE, 1925 GA: ‘gur dó leis an Aire Tionnscail agus Tráchtála go ndéanfaidh sé dochar mór don ghnó, no go gcuirfadh sé cosc mór ar an hoibreacha do dhéanamh is gá don ghnó, na forálacha san roimhe seo den bhfo-alt so do chó-líona;’	LEGISLATION: SHANNON ELECTRICITY ACT, 1925 EN: ‘is of opinion that compliance with the foregoing provisions of this sub-section would be substantially detrimental to the undertaking or would materially hinder the construction of the works necessary therefor;’
As ‘precluded’	
REACHTAÍOCHT: ACHT TALMHAN, 1927 GA: ‘Ní cosc é ar éinne ordú d'iarraidh ar an gCoimisinéir Bhreithiúntais fén alt so chun gabháltas d'fho-roinnt gur dineadh ordú roimh rith an Achta so á fhaisnéis go bhfuil an gabháltas gearrtha amach o fhorálacha an Achta Talmhan, 1923, tré chlás (e) d'fho-alt (2) d'alt 24 den Acht san.’	LEGISLATION: LAND ACT, 1927 EN: ‘(5) No person shall be precluded from making an application to the Judicial Commissioner for an order under this section for the sub-division of a holding by reason only that an order has been made before the passing of this Act declaring that the holding is excluded from the provisions of the Land Act, 1923, by clause (e) of sub-section (2) of section 24 of the said Act.’

It is of particular interest that terminological discrepancy occurs not only throughout the corpus spanning fifteen years of translation activity, but the same discrepancies occur within singular acts, with ‘cosc’ being employed as ‘prevent’, ‘obstruct’ and

‘prohibit’¹⁷⁶ in different sections of Act 5/1925: Local Government Act 1925. Further terms are added to three of our four which appear as ‘cosc’ in the corpus, namely ‘hindrance’, ‘hinder’ and ‘preclude’, adding to terminological inconsistency in the context of Irish language legal translation. However, while ‘prohibit’ appears as ‘cosc’ in the corpus, a search for ‘toirmeasc’ in the corpus reveals much more consistency, as it is rendered solely as variants of the verb ‘prohibit’ as seen in the table below:

‘Toirmeasc’ in the corpus	
As ‘prohibition’	
REACHTAÍOCHT: ACHT IASCAIGH, 1925 GA: ‘ Toirmeasc ar innill sheasmhacha ná fuil deimhnithe anois.’	LEGISLATION: FISHERIES ACT, 1925 EN: ‘ Prohibition of fixed engines not now certificated.’
As ‘prohibiting’	
REACHTAÍOCHT: ACHT TORA TALMHAÍOCHTA (UIBHE), 1930 GA: Pé uair do bhéarfaidh cigire don iompróir fén alt so ordú ag toirmeasc aon phacáiste áirithe ubh d’easportáil, beidh sé de dhualgas ar an gcigire sin, maran leis an iompróir sin an pacáiste sin, a chur in úil do chonsighneoir an phacáiste sin gur tugadh an t-ordú san.	LEGISLATION: AGRICULTURAL PRODUCE (EGGS) ACT, 1930 EN: Whenever an inspector gives a direction under this section to the carrier prohibiting the export of any package of eggs, it shall be the duty of such inspector, where such carrier is not the owner of such package, to notify the consignor of such package of the giving of such direction.

¹⁷⁶ While ‘prohibit’ is translated as ‘cosc’ in this Act, this is not the example of ‘prohibit’ as ‘cosc’ given in the table above. Said Act can be accessed via <http://www.acts.ie/framed/1925.act.005.00.frameset.html>

As ‘prohibited’/ ‘prohibitions’	
<p>REACHTAÍOCHT: ACHT SUBSTANTÍ ÍCE, 1932</p> <p>GA: ‘Tuigfear earraí go dtoirmeasctar de bhuadh an Achta so iad d'iomportáil do bheith ar na hearraí a háirmhítear agus a tuairiscítear ar Chlár na dToirmeasc agus na Srian maidir le hEarraí do Theacht Isteach atá in Alt 42 den <i>Customs Consolidation Act</i>, 1876, agus na forálacha den Acht san, mar atá san leasuithe no leathnuithe le haon Acht ina dhiaidh sin. a bhaineann le hearraí toirmeasctar no sriantar d'iomportáil beidh baint acu dá réir sin.</p>	<p>LEGISLATION: THERAPEUTIC SUBSTANCES ACT, 1932</p> <p>EN: Articles prohibited to be imported by virtue of this Act shall be deemed to be included among the goods enumerated and described in the Table of Prohibitions and Restrictions Inwards contained in Section 42 of the Customs Consolidation Act, 1876, and the provisions of that Act, as amended or extended by any subsequent Act, applying to the importation of prohibited or restricted goods, shall apply accordingly.</p>

This consistency in the use of ‘toirmeasc’ is similarly seen in our sources of legal terminology, as *Téarmaí Dlí*, *Focal sa Chúirt*, and *an Foclóir Dubh* all give ‘toirmeasc’ as the Irish language equivalent of ‘prohibition’, and all but Lane give ‘toirmeasc’ as an appropriate Irish translation equivalent of ‘prohibition’ in our English-Irish dictionaries. While the use of ‘toirmeasc’ in the corpus reveals a high level of terminological consistency, the same cannot be said for the employment of ‘cosc’ in the corpus, nor the renderings of the English and Irish terms in our legal and lexicographical sources of terminology. It is evident that it was not only EID and FGB which did not adhere to the terms in *Téarmaí Dlí*, but the acts themselves, as highlighted by Ó Cearúil (1999: 23) - ‘the terms found in *Téarmaí Dlí* are not always adhered to in translating the Acts’. Given the current day context of English-Irish legislative translation not only on a national but international scale, it is important to consider if, and how, such terminological inconsistencies have carried over into modern EU legislative translation. Using gaois.ie, one can see that the terms ‘cosc’ and ‘toirmeasc’ are employed in EU law in the following manner:

‘Cosc’ in EU & secondary legislation	
As ‘prevent’	
REACHTAÍOCHT: Rialachán (AE) 2016/679¹⁷⁷ GA: na coimircí chun droch-úsáid a chosc nó chun rochtain nó aistriú mídhleathach a chosc ; [’]	LEGISLATION: Regulation (EU) 2016/679¹⁷⁸ EN: the safeguards to prevent abuse or unlawful access or transfer; [’]
As ‘inhibition’	
REACHTAÍOCHT: Ionstraimí Reachtúla: 1980 GA: ‘léirítear an t-idirleathadh má éiríonn réigiúin choiscithe an mhicrea-orgánaigh’	LEGISLATION: Statutory Instruments: 1980 EN: ‘Diffusion is shown by the formation of zones of inhibition of the micro-organism.’
As ‘obstruct’	
REACHTAÍOCHT: ACHT NA MBÓITHRE, 1993 GA: ‘Cion an choiscithe ’	LEGISLATION: ROADS ACT, 1993 EN: ‘Offence of obstruction .’
As ‘prohibited’	
REACHTAÍOCHT: AN TACHT DEOCHANNA MEISCIÚLA, 2000	LEGISLATION: INTOXICATING LIQUOR ACT, 2000

¹⁷⁷ Full title: Rialachán (AE) 2016/679 ó Pharlaimint na hEorpa agus ón gComhairle an 27 Aibreán 2016 maidir le daoine nádúrtha a chosaint i ndáil le sonraí pearsanta a phróiseáil agus maidir le saorghluaiseacht sonraí den sórt sin, agus lena n-aisghairtear Treoir 95/46/CE (An Rialachán Ginearálta maidir le Cosaint Sonraí) (Téacs atá ábhartha maidir leis an LEE).

¹⁷⁸ Full title: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance).

GA: ‘Leasú ar alt 2 (tráthanna coiscthe) d’Acht 1927’	EN: ‘Amendment of section 2 (prohibited hours) of Act of 1927.’
As ‘ban’	
REACHTAÍOCHT: Rialachán (AE) 2016/679¹⁷⁹ GA: ‘teorainn shealadach nó bhuan a fhorchur lena n-áirítear cosc ar phróiseáil;’	LEGISLATION: Regulation (EU) 2016/679¹⁸⁰ EN: ‘to impose a temporary or definitive limitation including a ban on processing;’
As ‘suppression’	
REACHTAÍOCHT: Ionstraimí Reachtúla: 1980 GA: ‘Trasnaíocht raidió a chosc ’	LEGISLATION: Statutory Instruments: 1980 EN: ‘ Suppression of radio interference’

While ‘cosc’ is employed interchangeably in the corpus as ‘prohibition’, ‘preventing’, ‘obstruct’, ‘hindrance’, ‘hinder’ and ‘preclude’, we can see that in European legislation, ‘cosc’ is employed as ‘prevent’, ‘inhibition’, ‘obstruct’, ‘prohibited’, ‘ban’ and ‘suppression’, six terms with varying meanings in a legal domain - the semantics of the first four of which having been discussed at length. Given that the use of ‘toirmeasc’ in the corpus is all the more consistent than that of ‘cosc’, it is pertinent to investigate whether or not the same may be said of its employment in European legislation:

¹⁷⁹ Full title previously given.

¹⁸⁰ Full title previously given.

‘Toirmeasc’ in EU & secondary legislation	
As ‘prohibition’	
REACHTAÍOCHT: Rialachán (CE, Euratom) Uimh. 1101/2008¹⁸¹ GA: ‘Leanfaidh an toirmeasc sin de bheith infheidhme tar éis aistriú, foirceannadh seirbhíse nó scoir’	LEGISLATION: Regulation (EC, Euratom) No 1101/2008¹⁸² EN: ‘This prohibition shall continue to apply following transfer, termination of service or retirement’
As ‘ban’	
REACHTAÍOCHT: Rialachán (AE) Uimh. 649/2012¹⁸³ GA: ‘Ceimiceáin agus earraí atá faoi réir toirmisc onnmhairíochta’	LEGISLATION: Regulation (EU) No 649/2012¹⁸⁴ EN: ‘Chemicals and articles subject to export ban ’
As ‘suppression’	
REACHTAÍOCHT: Ionstraimí Reachtúla: 1980 GA: ‘ Toirmeasc ar thrasnaíocht raidió a thagann ó innill spréachadhainte’	LEGISLATION: Statutory Instruments: 1980 EN: ‘ Suppression of radio interference produced by spark-ignition engines’

¹⁸¹ Full title: *Rialachán (CE, Euratom) Uimh. 1101/2008 ó Pharlaimint na hEorpa agus ón gComhairle an 22 Deireadh Fómhair 2008 maidir le sonraí atá faoi réir na rúndachta staidrimh a tharchur chuig Oifig Staidrimh na gComhphobal Eorpach (leagan códaithe) Téacs atá ábhartha maidir leis an LEE.*

¹⁸² Full title: Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council of 22 October 2008 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities.

¹⁸³ Full title: *Rialachán (AE) Uimh. 649/2012 ó Pharlaimint na hEorpa agus ón gComhairle an 4 Iúil 2012 maidir le ceimiceáin ghuaiseacha a onnmhairiú agus a allmhairiú Téacs atá ábhartha maidir leis an LEE.*

¹⁸⁴ Full title: Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals Text with EEA relevance.

While ‘toirmeasc’ is employed solely as a rendering of ‘prohibit’ (in all its variants) in the corpus, in European legislation, it is somewhat less consistent, now being used for both ‘ban’ and ‘suppression’, as well as for ‘prohibition’. Of particular note is the use of ‘toirmeasc’ in Statutory Instruments from 1980. In the example above, ‘Suppression of radio interference’ is translated as ‘Toirmeasc ar thrasnaíocht raidió’, yet in our table of instances of ‘cosc’ in European legislation, we see the same sentence translated as ‘Trasnaíocht raidió a chosc’. Not only is the same term and same phrase translated in two separate ways using two differing terms in European legislation, but both instances occur within statutory instruments dating from the same year. In order to further examine the extent of overlap in our chosen terms, it is important to search for our four English legal terms, ‘prohibition’, ‘inhibition’, ‘prevention’ and ‘obstruction’ in Irish legislation other than that in our corpus, via a terminological search on achtanna.ie:

‘Inhibition’ in other Irish legislation	
As ‘toirmeasc’	
<p>REACHTAÍOCHT: AN tACHT CAIRDE TALMHAÍOCHTA, 1973</p> <p>GA: ‘(iii) an duine is ionadaí pearsanta (cibé acu a bheidh nó nach mbeidh a ainm taifeadta sa chlár sin mar lán-úinéir faoi réir toirmisc) don duine marbh sin, i gcáil ionadaí phearsanta dó, do mhuirearú na talún sin i bhfabhar na Corparáide le haisíoc príomhshuime nach mó ná deich míle punt agus aon úis’</p>	<p>LEGISLATION: AGRICULTURAL CREDIT ACT, 1973</p> <p>EN: ‘(iii) the person who is the personal representative (whether his name is or is not entered in such register as full owner subject to an inhibition) of such deceased person, in his capacity as personal representative charges such land in favour of the Corporation with the repayment of a principal sum not exceeding ten thousand pounds and any interest’</p>

A search for the term ‘inhibition’ on achtanna.ie dating between 1922 and 1937 gives no results, meaning that the term was not employed in any legal material in any Irish legislation during this period. Indeed, an expanded search reveals that the term

‘inhibition’ was only employed eight times in any acts, those examples dating from 1942 to 2009¹⁸⁵, and all examples translated as ‘toirmeasc’. Such omission of ‘inhibition’ from legislation prior to this may well explain its exclusion from *an Foclóir Dubh*. As previously seen, the most uniform terminological translation of our four terms is that of ‘prohibit(ion)’, which is translated consistently as ‘toirmeasc’ in the corpus. Given this consistency and *Rannóg* claims of the importance of adherence to precedent, it is peculiar that ‘toirmeasc’ would be introduced in later legislation as an Irish language translation equivalent of ‘inhibition’, particularly when a search for ‘prohibition’ in Irish legislation outside the corpus and the dates 1922-1937 continues the terminological consistency, with more than 200 results all giving ‘prohibition’ translated as ‘toirmeasc’. As highlighted in our legal dictionaries, ‘prohibition’ and ‘inhibition’ are not semantically equivalent, with ‘inhibition’ as a ‘form of a restriction on registration’, and ‘prohibition’ as ‘preventing or prohibiting a body or person from exercising a power it does not legally possess’. As such, while the former suggests an action hindered by certain stipulations as opposed to being outright forbidden, ‘prohibition’ necessitates an outright ban of a particular action by way of imposing an order. ‘Toirmeasc’ is defined by FGB as a ‘prohibition’, ‘prevention’, or ‘hindrance’, suggesting that its semantic range may well be broad enough to cover both terms. Given the nature of legal translation, however, it monosemicity of legal terminology would be desirable, with another term chosen for ‘inhibition’ in place of ‘toirmeasc’, given its steadfastness in translated legislation up to this point.

‘Prevent’ in other Irish legislation			
As ‘cosc’			
REACHTAÍOCHT:		LEGISLATION:	
ACHT TOGHACHÁN AN		PRESIDENTIAL ELECTIONS ACT,	

¹⁸⁵ List of said Acts: Act 34/2009: Chapter 3 Legal Proceedings Generally, Act 31/1973: AGRICULTURAL CREDIT ACT, 1973, Act 16/1964: REGISTRATION OF TITLE ACT, 1964, Act 16/1964: PART III Registration of Ownership, Act 16/1964: PART V Miscellaneous Provisions, Act 14/1947: Chapter II. Registered land, Act 26/1942: REGISTRATION OF TITLE ACT, 1942, Act 26/1942: PART III. Divers Amendments of the Principal Act. Act 34/2009 does not have an Irish translation available, and as such, ‘inhibition’ has not been translated.

<p>UACHTARÁIN, 1937</p> <p>GA: Má deintear agus pé uair a déanfar an vótaíocht in aon áit vótaíochta do chosc ar fad no do bhac, no cur isteach uirthi, le círeíb no le fóirneart oscailte no daoine do chosc le círeíb no le fóirneart oscailte ar dhul go háit vótaíochta, déanfaidh an ceann comhrimh áitiúil sa dáilcheanntar ina mbeidh an áit vótaíochta san an vótaíocht san áit vótaíochta san do chur ar athló go dtí an chéad lá eile...'</p>	<p>1937</p> <p>EN: 'If and whenever the polling at any polling place is wholly prevented or is interrupted or obstructed by riot or open violence or persons are prevented by riot or open violence from proceeding to a polling place, the local returning officer in the constituency in which such polling place is situate shall adjourn the polling at such polling place to the next following day...'</p>
<p>As 'seachain'</p>	
<p>REACHTAÍOCHT: ACHT CHUN IASCAIGH MHARA DO CHAOMHNADH, 1933</p> <p>GA: 'Má theipeann ar aon bhád iascaireachta mara in achar aonchirt iascaigh Shaorstáit Éireann bheith do réir na bhforálacha, i dtaobh na soillsí atá le n'iompar agus le taisbeáint, atá sna rialacháin a bhaineann le hiombualadh ar muir do sheachaint agus do rinneadh fê alt 418 den <i>Merchant Shipping Act</i>, 1894, agus is infheidhmithe maidir leis an mbád san, beidh máistir an bháid sin ciontach i gcionta fén alt so agus beidh sé ionphionósuithe dá réir sin.'</p>	<p>LEGISLATION: SEA FISHERIES PROTECTION ACT, 1933</p> <p>EN: 'If any sea-fishing boat within the exclusive fishery limits of Saorstát Eireann fails to observe the provisions, relating to lights to be carried and exhibited, of the regulations for the prevention of collisions at sea made under section 418 of the Merchant Shipping Act, 1894, and applicable to such boat, the master of such boat shall be guilty of an offence under this section and shall be punishable accordingly.'</p>

While the translation of ‘prevention’ as ‘cosc’ above is in line with our sources of legal terminology, *Focal sa Chúirt* and *an Foclóir Dubh*, ‘seachain’ has been introduced in the 1933 Sea Fisheries Protection Act as a translation equivalent of ‘prevent’. ‘Seachain’ is defined in FGB as ‘avoid’, ‘evade’, ‘shun’, and is not in this manner entirely semantically congruent with ‘prevent’, as defined by OED as to ‘stop something from happening’. Of further note is that in the Presidential Elections Act 1937, ‘prevent’ is translated as ‘cosc’ in the same sentence as ‘obstruct’ is translated as ‘bac’¹⁸⁶ – despite the fact that our authoritative sources of legal terminology, *Téarmaí Dlí* and *Focal sa Chúirt* give ‘cosc’ as the Irish translation equivalent of ‘obstruct’. Adding to this terminological inconsistency, ‘obstruction’ is rendered as ‘bac’, ‘cosc’, and ‘constaic’ in other Irish legislation, as seen in the table below:

‘Obstruction’ in other Irish legislation	
As ‘bac’	
REACHTAÍOCHT: ACHT UM BAILTE AGUS LÍOMATAÍSTÍ DO SHÍNEADH AMACH, 1934 GA: ‘Pionós mar gheall ar fheidhmiú comhachta fen uid seo den Acht so do bhac ’	LEGISLATION: TOWN AND REGIONAL PLANNING ACT, 1934 EN: ‘Penalty for obstruction of exercise of powers under this Part of this Act’
As ‘constaic’	
REACHTAÍOCHT: ACHT UM THRÁCHT AR BHÓITHRE, 1933 GA: ‘(q) rialáil do dhéanamh maidir le baill den Ghárda Síochána ar diúité chun tráchta do stiúradh do dhéanamh an stiúrtha san ag siúntaí ródanna no ag uilleanna no cuara no constaicí ...’	LEGISLATION: ROAD TRAFFIC ACT, 1933 EN: ‘(q) regulating the control of traffic by members of the Garda Síochána on duty for the purpose of exercising such control at junctions of roadways or angles or curves in or obstructions ...’

¹⁸⁶ ‘Má deintear agus pé uair a déanfar an vótaíocht in aon áit vótaíochta do chosc ar fad no do bhac’ - ‘If and whenever the polling at any polling place is wholly prevented...or obstructed’.

As ‘cosc’	
REACHTAÍOCHT: ACHT PHÁIRC AN FHIONN-UISCE, 1925 GA: ‘(g) cráitísí sa Pháirc do chosc agus go sonnrách cosc na mbóthar agus na gcosán sa Pháirc do chosc’	LEGISLATION: PHOENIX PARK ACT, 1925 EN: ‘(g) preventing nuisances in the Park and in particular preventing the obstruction of the roads and paths in the Park’

As is evidenced in the examples above, ‘cosc’ is employed as an Irish language equivalent of as many varied legal terms in translated EU legislation as it is in our corpus of legal material translated by *Rannóg an Aistriúcháin* both between 1922 and 1937 and afterwards, revealing that such incongruences still exist in legislation almost a century after their first usage in a legal domain. ‘Toirmeasc’, however, has been employed in EU legislation almost exclusively as ‘prohibit’, in a manner much more befitting the definition of ‘prohibition’ in OED - ‘the action of forbidding or preventing something’ or ‘an order that forbids something’. Given that both English and Irish are intrinsically dissimilar languages, one must question how best to decide which Irish word most accurately conveys the most exact connotations of the English legal term, and why this has not yet been fully achieved in almost a century of English-Irish legislative translation. O’Rourke (2014: 266) describes this dilemma in detail:

‘There are two related problems. First, the provision of the terms, while indispensable, is not sufficient in itself. The concept ‘legal term’ refers ordinarily to a ‘word’, ‘lexeme’ or ‘term’ which has a specific legal meaning, the precise significance of which is understood in all its ramifications by legal practitioners and about which there should be no inherent ambiguity. English legal terminology had been established authoritatively in court judgements over centuries of jurisprudence. *TD* was an effort to provide (artificially) similar legal certainty with regard to terms in Irish. Second, it must be possible to use such terms with the utmost precision in such a way that there is no underlying ambiguity, either grammatical or orthographical. *TD* was intended as a first step in the provision of certain terms but it has turned out to be a first and last step.’

The inconsistency of terminological usage in Irish language law is at odds with *Rannóg an Aistriúchain*'s mantra of adherence to precedent, and potentially paves the way for litigation based upon mistranslation. One may conclude that modern legislative terminology in Irish requires updating, streamlining, and widespread dissemination, in order that it may take its place as a contemporary language fit for purpose in the legal domain.

3.2.3. Theft/ Stealing/ Larceny

The following terminological analysis will focus on three semantically similar legal terms which overlap slightly in usage in Irish legislation and in subsequent EU legislative material: larceny, theft, and stealing. While only 'larceny' appears in the corpus - a total of three times as 'goid' - both 'theft' and 'stealing' will also be considered in the current analysis as they are also employed elsewhere in acts from this period (and afterward) as 'goid', leaving room for semantic ambiguity in the translated legislation. 'Theft' is defined in Oxford English Dictionary (OED) as 'the action or crime of stealing' - already establishing a link between 'theft' and 'stealing' by explicitly identifying the latter in the definition of 'theft'. 'Stealing' is defined in OED as:

steal v. (steals, stealing, stole; past part. stolen) 1. take something without permission and without intending to return it 2. move quietly or secretly

While the connotations attributed to both 'theft' and 'stealing' in a general sense certainly overlap somewhat, the definitions of each in OED are already at variance semantically, as 'theft' is described as a 'crime' - already lending itself more to a legal domain - while 'stealing' is given the added element of guilty intention. This, however, similarly links 'stealing' to criminality, albeit possibly unintentionally. The reference to intention in the OED definition of 'stealing' links to the legal concept of *mens rea* – the 'guilty mind' - a fundamental principle in common law which is the test of criminal liability. This mental element in the assessment of criminality requires intention as a rule – the guilty person's awareness of the fact that their conduct is criminal. In the OED definition of 'stealing', it specifically outlines the requirement that the person 'take something without permission' *and* 'without intending to return it'. 'Larceny' is defined in OED as 'N.Amer. or dated – theft of personal property', providing a direct link with 'theft' in its definition. While each of

the three terms overlap semantically in their given descriptions in OED, it is necessary to investigate how, and to what extent, they differ in use and meaning in a legal domain.

The Oxford Dictionary of Law defines ‘theft’ as:

Theft – *n.* The dishonest appropriation of property belonging to another with the intention of permanently depriving the other of it. “Appropriation” is defined in the Theft Act 1968 as the assumption of the rights of the owner of the property as one’s own, which need not necessarily involve taking it away... if a person acquires property without stealing it, but later decides to keep the property unlawfully, he may be regarded as having appropriated it.

This legal definition of ‘theft’ provides a much more comprehensive overview as to what is regarded as theft in law. Firstly, as with the OED definition of ‘stealing’, the element of ‘intention’ is required in theft; the *mens rea* of ‘permanently depriving’ another of their possession. A second requirement for theft is that the item which has been taken must be deemed to have been appropriated by assuming the right of the owner of the item. Finally, the item ‘need not’ have been taken away – the item may be where it always was, but its rightful owner has been intentionally deprived of it by another who has assumed ownership of the property. Of note is that the definition specifies that the person in question need not have stolen the item – suggesting that the term ‘stealing’ differs in a legal domain from that of ‘theft’. The issues pertaining to the legal semantics of ‘theft’ have, however, been highlighted by the Collins internet-linked dictionary of Law (3rd ed. 2006), which states that:

‘The law has, however, been complicated by semantic arguments, leading the Court of Appeal to say that the law is in urgent need of reform to make cases understandable to juries. Wheel-clamping is not theft in England (contrary to the position in Scotland) because there is not the intention to permanently deprive. In Scots criminal law, the felonious taking or appropriation (or retention) of the property of another without his consent and (in most cases, but not necessarily) with the intention to deprive him of it permanently. Wheel-clamping has been held to be theft in Scotland.’

This distinction, then, that the person who has committed the theft must intend to permanently deprive the owner of their property has been muddled somewhat in Scottish law (given that wheel clamping, as an example, does not necessitate

permanency), and may explain to some extent why the lines have been blurred between these differing terms in a legal domain. ‘Stealing’, oddly, is not a given entry in the Oxford Dictionary of Law or in Collins dictionary of Law¹⁸⁷, although Black’s Law Dictionary (2nd edition) gives the following entry for ‘steal’:

This term is commonly used in indictments for larceny, ("take, steal, and carry away,") and denotes the commission of theft. But, in popular usage, "stealing" seems to be a wider term than "larceny," inasmuch as it may include the unlawful appropriation of things which are not technically the subject of larceny, e. ft., immovables.

Again, the overlap between our three terms is evident, with the above definition citing both ‘theft’ and ‘larceny’. However, the distinctions between each are highlighted, with ‘steal’ differing from ‘larceny’ insofar as ‘stealing’ does not require that the item be taken away. To this end, ‘stealing’ is most semantically similar to ‘theft’ as there is no requirement that the item be moved, yet it is not clear if there is the requirement that the person who steals intends to permanently deprive the owner of their possession. While the legal definition of ‘stealing’ does not provide for such a requirement, the OED definition of ‘stealing’ above *does* make this distinction (‘take something without permission and without intending to return it’) and therefore may be deemed to be almost exactly the same in practice as ‘theft’. Indeed, this is supported by the Criminal Justice (Theft and Fraud Offences) Act 2001, in which it is stated that “‘stealing’ means committing an offence under *section 4*, and cognate words shall be construed accordingly’ – section 4 referred to relating to ‘theft’.¹⁸⁸ Larceny, however, *does* hold the requirement of movement, as highlighted in its definition in the Oxford Dictionary of Law:

Larceny – *n.* Formerly (before 1969), *theft. Larceny was more limited than theft and required an asportation (carrying away of the property).

While ‘larceny’ was formerly employed as a synonym of ‘theft’, the requirements for ‘larceny’ necessitate that the item be carried away.¹⁸⁹ As such, one may conclude

¹⁸⁷ Both ‘steal’ and ‘stolen’ are also omitted from both.

¹⁸⁸ Act can be accessed online at <http://www.irishstatutebook.ie/eli/2001/act/50/enacted/en/print> .

¹⁸⁹ This is supported the Larceny Act 1916, which defines ‘larceny’ as when ‘a person steals who, without the consent of the owner, fraudulently and without a claim of right made in good faith, takes and carries away anything capable of being stolen with intent, at the time of such taking, permanently to deprive the owner thereof’.

that in a legal domain, ‘theft’ is when a person has unlawfully assumed the rights of the owner of the property, with or without moving or removing the property in question, ‘stealing’ is construed in the same manner as ‘theft’, and ‘larceny’ is an archaic term for ‘theft’ which holds the requirement of ‘asportation’ of the property. In Garner’s Dictionary of Modern Legal Usage, a search for ‘theft’ instructs the reader to ‘see burglary’, under which ‘burglary’, ‘robbery’, ‘theft’ and ‘larceny’ are grouped together, stating that ‘These four terms may overlap to a degree, but no two are perfectly synonymous’. ‘Theft’ is described as ‘a statutory wrong that is broader than *robbery*, although laymen often consider the words synonymous’ and ‘also broader than *larceny* (= the felonious stealing of personal property, the fraudulent taking and carrying away [*asportation*, q.v.] of a thing without claim of right), for it includes the lawful acquisition and subsequent appropriation of the personalty’, before adding that while ‘exact definitions of these terms may differ from jurisdiction to jurisdiction... it is universal that *people* are the objects of *robbery*; *places* are the objects of *burglary*; and *things* are the objects of *larceny* and *theft*.’

If, then, all three terms differ semantically, how are each represented in our English-Irish sources of legal terminology? While, peculiarly, *an Foclóir Dubh* does not give an entry for any of our three terms, *Téarmaí Dlí* gives ‘goid’ as the given Irish language term for ‘theft’ in its EN-GA section. A search for ‘goid’ in the GA-EN section, however, gives the following:

Goid: larceny 2; theft 2. **goid ag earbaí:** larceny by a bailee 2. **goid fríoitha:** larceny by finding 2. **goid le cleas:** larceny by a trick 2.

Goidim: I steal 2. **glacaim maoin ghoidte:** I receive stolen property 2.

As revealed in the GA-EN section of *Téarmaí Dlí*, ‘goid’ is the given equivalent not only for ‘theft’, but for ‘larceny’ and the verb to ‘steal’ as well. Under ‘larceny’ in the EN-GA section, ‘goid’ is repeatedly given as the equivalent Irish term:

Larceny : Goid

larceny by a bailee: goid ag earbaí 2.

larceny by a trick: goid le cleas 2.

larceny by finding: goid fríoitha 2.

petty larceny: mionghoid 2.

Theft : Goid

Similarly, ‘I steal’ is given in *Téarmaí Dlí* as ‘goidim’, while ‘stolen’ appears in the publication a total of six times as ‘goidte’. Such terminological overlap is similarly evident in *Focal sa Chúirt*, which similarly gives ‘goid’ as the Irish language term for ‘theft’, also specifying ‘tromghoid’ for aggravated theft, and ‘mionghoid’ for petty theft. A search for ‘goid’ in the same publication lists ‘goid’ twice, as follows:

Goid: Steal

Goid: Stealing, Theft, Larceny

goid ag earbaí: Larceny by a bailee

goid fríotha: Larceny by finding

goid le cleas: Larceny by a trick

goid simplí: Simple larceny

Moreover, ‘goid’ is given for both ‘stealing’ and ‘steal’ in the EN-GA section of *Focal sa Chúirt*, as well as ‘goidte’ for ‘stolen’. One must question, firstly, why Ó Catháin has chosen to list ‘goid’ twice, distinguishing ‘stealing’ from ‘theft’ and ‘larceny’? Perhaps the indication is that the former holds separate meaning in a legal domain from the latter two. Secondly, while it appears that Ó Catháin has closely followed the entries in *Téarmaí Dlí*, ‘petty larceny’ in TD has been changed to ‘simple larceny’, and from ‘mionghoid’ to ‘goid simplí’ – neither of which are to be found in any acts of the Oireachtas¹⁹⁰, in any EU legislation accessible via gaois.ie, nor in the English-Irish section of TD. Neither ‘goid simplí’, ‘simple larceny’, or ‘petty larceny’ are to be found on *tearma.ie*, yet ‘mionghoid’ is an entry as the given equivalent of ‘pilfering’; the theft of smaller items. In contrast, ‘pilfering’ has been translated in European legislation as ‘mionghadaíocht’, as in the following example:

GA: Áireofar le cosaint shábháilte cosaint ar thuilleadh damáiste, ar rochtain a bheith ag daoine neamhúdaráithe, ar mhionghadaíocht agus ar mheathlúchán.

EN: Safe custody shall include protection against further damage, access by unauthorised persons, pilfering and deterioration.¹⁹¹

¹⁹⁰ ‘Mionghoid’ and ‘Goid simplí’ are similarly not found in any European legislation.

¹⁹¹ Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC Text with EEA relevance. Two further examples can be found in Regulation (EU)

This introduces ‘gadaíocht’¹⁹² as a separate term which is employed in the same manner semantically as ‘goid’ in both Irish and European legislation. This is similarly seen on tearma.ie, where a search for ‘theft’ gives ‘goid’ (in the domain of religion), ‘larceny’ is without an entry, and a search for ‘stealing’ gives both ‘goid’ and ‘gadaíocht’ – both in the domain of policing. When starting with the Irish language term, however, a search for ‘goid’ gives ‘theft’, ‘steal’ and ‘stealing’, yet ‘gadaíocht’ gives ‘stealing’ only as an equivalent term.

If ‘goid’ can mean both ‘theft’ and ‘stealing’, yet ‘gadaíocht’ means ‘stealing’ only, one must question what the semantic range of each term is, and why only ‘goid’ overlaps in meaning between ‘theft’ and ‘stealing’, despite the two terms ostensibly meaning the same thing in both common usage and in a legal domain. In order to assess the semantic range of ‘stealing’, ‘theft’, and ‘larceny’ in both Irish and English, it is necessary to consult our English-Irish and Irish-English lexicographical sources. The English-Irish dictionaries employed in the analysis give the following renderings of ‘stealing’:

Lane:

Stealing: goid (stealer – gaduidhe, stolen – goidte)

Foley:

Stealing: N/A

Steal: goid, slaid, fôghluigh, dean biothamhnachd ;

Stealer: biothamhnach, gaduidhe

McKenna:

Stealing: N/A

De Bhaldraithe:

Stealing: Goid f, gadaíocht f. [*Jur*: To receive stolen goods, earraí goidte a ghlacadh.]

The EN-GA sources above are consistent in giving ‘goid’ as a translation equivalent of ‘steal(ing)’, although EID alone specifies ‘gadaíocht’ as pertaining to law, by the

No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union Text with EEA relevance.

¹⁹² ‘Gadaíocht’ is not a given term in *an Foclóir Dubh*, *Téarmaí Dlí*, or *Focal sa Chúirt*, although TD gives ‘gadaí’ as ‘thief’ in both its EN-GA and GA-EN sections, while *Focal sa Chúirt* gives ‘gadaí dreapadóireachta’ as ‘cat burglar’.

abbreviation ‘*jur*’ for ‘jurisprudence’. Similarly, ‘gadaí’ (in the pre-standard form ‘gaduidhe’) is given in two of the sources as ‘stealer’ – a term related to ‘gadaíocht’ as opposed to ‘goid’. This terminological overlap is similarly seen in a search for ‘theft’ in our English-Irish dictionaries:

Lane:

Theft: gaduidheacht, bitheamhntacht, [thieve: goidim, thievery: leadránacht]

Foley:

Theft: Braduigheachd, gaduidheachd, biothamhnachd, goid, méirleachur, slaid, creach, ladron, braid, fuaghdach,

McKenna:

Theft: N/A

De Bhaldraithe:

Theft: Goid f -te, gadaíocht f. b *Jur*: Aggravated theft, tromghoid f.
Petty theft, mionghoid f.

While McKenna, again, gives no entry, all other lexicographical sources give both ‘gadaíocht’ (Lane and Foley in its pre-standard form ‘gaduidheacht’) and ‘goid’ as equivalents of ‘theft’. While it has already been established that ‘stealing’ and ‘theft’ can be construed as semantically congruent in a legal domain, the addition of two Irish language terms for what is one English concept adds a degree of confusion as to the correct equivalent in translation. As regards our third term, ‘larceny’, our EN-GA lexicographical sources give the following:

Lane:

Larceny: gaduidheacht, petty larceny – mionghaduidheacht

Foley:

Larceny: bradaidheachd, mion-ghadaidheachd, beadaidheachd

McKenna:

Larceny: N/A

Rob: I plunder, goidim, braduighim, *robber*: gaduidhe, robáilidhe, cneamhaire, bitheamhnach, fomarach, *robbing*: gaduidheacht, bradghail, creamhaireacht

De Bhaldraithe:

Larceny: Gadaíocht f, goid f -te. *Jur*: Petty larceny, mionghoid f.
[*Jur*: Aggravated larceny, mórghadaíocht f.]

A distinction appears to have been made here by Lane and Foley, who have both given ‘goid’ as an entry for both ‘theft’ and ‘stealing’, yet have avoided doing so in the case of ‘larceny’, with ‘gadaíocht’ the only common term in every source. As with our previous two terms, McKenna does not give an entry for ‘larceny’, yet gives ‘gadaíocht’ as a translation equivalent of ‘robbing’. Peculiarly, EID gives ‘mionghoid’ for ‘petty larceny’, yet ‘mórghadaíocht’ for ‘aggravated larceny’. While both terms are given with the ‘*jur*’ abbreviation to denote their relation to a legal domain, the terms are inconsistent in choosing ‘goid’ for one type of larceny and ‘gadaíocht’ for the other. So frequent is the occurrence of the two Irish language terms ‘goid’ and ‘gadaíocht’, that it is necessary to assess the given equivalents of each in our Irish-English lexicographical sources in order to further assess their semantic range, and which is best suited to which English legal term:

FGB:

Goid: **goid1**, f. (gs. as s. gada, as vn. ~te). 1. vn. of GOID2. 2. Theft, larceny. Ná déan ~, thou shalt not steal. ~ fríotha, larceny by finding. 3. Thing stolen. ~ a ithe, to eat stolen food.

goid2, v.t. & i. 1. Lit: Take away, remove. Clú na comharsan a ghoid, to take away a neighbour’s character. 2. Steal. (a) Rud a ghoid ó dhuine, to steal sth. from s.o. Ghoidfeadh sé an earra ón seangán, an ubh ón gcorr, he is a born thief. Níor ghoid sé is níor fhuadaigh sé é, it is in his very nature. (b) ~ isteach ar dhuine, to steal up on s.o. Bhí sé ag ~ an bhealaigh leis, he was working his way along. Bíom ag ~ mo lae as, I while away the time. Tá sé á ghoid as, he is slowly fading away.

Dinneen: Goid: g. gada, f., theft

Goidim: I steal, plunder.

Goidte, p. a., stolen.

As is evident above, the terms ‘stealing’, ‘theft’, and ‘larceny’ again intersect, with FGB giving each of the three as equivalents of ‘goid’. While the second definition, ‘take away, remove’ relates more specifically to our legal definition of ‘larceny’ which holds the requirement of asportation, this is given the abbreviation ‘lit’, and thus pertains to a literary as opposed to legal domain. As regards ‘gadaíocht’, our GA-EN sources give the following:

FGB:

Gadaíocht: f. (gs. ~a). (Act of) thieving, stealing; theft.

Dinneen:

Gad, m., stealing. See goid. goid, g. gada, f., theft

Gadaidheach, -dhighe, a., robbing, thieving.

Gadaidheacht, -a, f., robbery, plunder.

Gadaim, vl -adh and gad, v. tr., I lop off, I pull; I steal, I take away (also gaduighim). See goidim.

In contrast with our search for ‘larceny’ in our EN-GA sources, wherein ‘gadaíocht’ was the common Irish language equivalent, a search for ‘gadaíocht’ in our GA-EN sources gives our other two terms, ‘theft’ and ‘stealing’, yet omits ‘larceny’¹⁹³. Adding to this semantic confusion is that FGB distinguishes between ‘gadaíocht’ (‘stealing, theft’) and ‘goid’ (‘theft, larceny’), despite the fact that ‘theft’ and ‘stealing’ are semantically equivalent in a legal domain, as opposed to ‘theft’ and ‘larceny’. Dinneen, in a similar manner, directly equates ‘gad’ and ‘goid’, instructing the reader to ‘see goid’ in the entry for ‘gad’. Given the range of terminological options given by the lexicographical sources during this period, and the frequency is this terminological overlap both in English and Irish, it is worth investigating how they are employed in the corpus, in other Irish legislation, or in more modern European legislation. Examples of passages have been chosen from each set of legislation in order to give the term in its original legal context, in order that we may hypothesize as to why one term has been chosen over another, and in order to assess the extent, if any, of terminological inconsistency.

¹⁹³ Dinneen, however, defines ‘mion-ghadaidheacht’ as ‘petty larceny, pilfering’.

‘Larceny’ in corpus	
As ‘goid’	
REACHTAÍOCHT: ACHT UM THRÁCHT AR BHÓITHRE, 1933 GA: (5) Más rud é, ar thriail duine bheidh á dhíotáil i bhfeithicil inneall-ghluaiste do ghoid , gur dóich leis an ngiúiré ná raibh an duine sin ciontach sa bhfeithicil sin do ghoid ach go raibh sé ciontach i gcionta fén alt so maidir leis an bhfeithicil sin, féadfaidh an giúiré sin an duine sin d'fháil ciontach sa chionta san agus leis sin féadfar an duine sin do dhaoradh chun aon phionóis do b'fhéidir do chur fén alt so ar dhuine do ciontófaí sa chionta san ar an slí achmair.	LEGISLATION: ROAD TRAFFIC ACT, 1933 EN: (5) Where on the trial of a person indicted for the larceny of a mechanically propelled vehicle, the jury is of opinion that such person was not guilty of the larceny of such vehicle but was guilty of an offence under this section in relation to such vehicle, such jury may find such person to be guilty of such offence and thereupon such person may be sentenced to suffer any punishment which could be inflicted under this section on a person summarily convicted of such offence.

As previously highlighted, ‘larceny’ is the only of our three English legal terms which appears in the corpus, a total of three times in the one act (Road Traffic Act, 1933) as ‘goid’. While ‘goid’ is given only in FGB and EID as equivalent of ‘larceny’, having been omitted as translation equivalents of each other in Lane, Foley, and McKenna, both TD and *Focal sa Chúirt* give ‘larceny’ and ‘goid’ as translation equivalents of each other, albeit also giving ‘stealing’ and ‘theft’ as further equivalents of ‘goid’. The requirement of asportation necessitated by ‘larceny’ in a legal domain has been covered in the example above, however, while the English language term has been appropriately employed, there is no indication as such as to whether ‘goid’ is a fitting Irish language rendering of the term in a legal domain, beyond FGB’s inclusion of the literary definition of ‘goid’ as to ‘take away, remove’. Further examples of *Rannóg an Aistriúcháin* translations of ‘larceny’ can be found in Irish legislation outside the corpus:

‘Larceny’ in other Irish legislation	
As ‘ladrannacht’	
<p>REACHTAÍOCHT: ACHT ÁRACHAIS, 1936 - CUID I</p> <p>GA: ní fholuionn an abairt “gnó árachais bhuirgléireachta” gnó árachais urraíochta, ach fé réir na teorann san cialluíonn an abairt sin gnó déanta connradh árachais in aghaidh caillteanais de dheascaibh no i dtaobh buirgléireachta, tigh-réabtha, gadaíochta no ladrannachta;</p>	<p>LEGISLATION: INSURANCE ACT, 1936 PART I</p> <p>EN: the expression “<i>burglary insurance business</i>” does not include guarantee insurance business, but subject to that overriding limitation the said expression means the business of effecting contracts of insurance against loss by or incidental to burglary, housebreaking, theft, or larceny;</p>
As ‘goid’	
<p>LEGISLATION: PAWNBROKERS ACT, 1964</p> <p>EN: ‘Má chiontaítear geallbhróicéir i ngoid, in earraí a goideadh a ghlacadh agus a fhios aige gur goideadh iad, nó in aon chion eile a mbainfidh calaois nó mímhacántacht leis, féadfaidh an chúirt ar os a comhair a ciontaíodh é, i dteannta aon phionóis eile a chuirfear air, a ordú go bhfionrófar a cheadúnas go ceann cibé tréimhse is cuí léi nó go gcealófar é.’</p>	<p>REACHTAÍOCHT: AN tACHT GEALLBHRÓICÉIRÍ, 1964</p> <p>GA: ‘Where a pawnbroker is convicted of larceny, receiving stolen goods knowing them to have been stolen or any other offence involving fraud or dishonesty, the court before which he was convicted may, in addition to any other penalty imposed, order his licence to be suspended for such period as it thinks fit or to be cancelled.’</p>

While all other instances of ‘larceny’ in Irish legislation have been rendered by the *Rannóg* as ‘goid’ (as in the second example above), the Insurance Act 1936 gives

‘larceny’ as ‘ladrannacht’. This is the only such instance of ‘ladrannacht’¹⁹⁴ in any Irish legislation, with three examples in this one acht. Furthermore, the term ‘theft’ is rendered as ‘gadaíocht’ in the same sentence, indicating that the two terms differ semantically in a legal domain. ‘Ladrannacht’, which is neither to be found in any European legislation, is defined by Dinneen as ‘plunder, robbery, outlawry’, and by Ó Dónaill simply as ‘thievery’. In this regard, it is a peculiar choice of term, as to ‘rob’ or ‘plunder’ differ semantically from ‘larceny’ (as previously highlighted), and ‘thievery’ is much more in line with ‘theft’, which has been differentiated from larceny in the example above by way of listing it as a separate offence. Defined by OED as the ‘theft of personal property’ and more rigorously by the Oxford Dictionary of Law as ‘more limited than theft’ and requiring ‘an asportation’, larceny thus differs from ‘robbery’, ‘plunder’, and ‘thievery’ and, as such, ‘ladrannacht’ is an inappropriate rendering of the term in Irish. As regards European legislation, ‘larceny’ is rendered as follows:

‘Larceny’ in EU & secondary legislation	
As ‘goid’	
REACHTAÍOCHT: AN tACHT UM CHEARTAS COIRIÚIL (CIONTA GADAÍOCHTA AGUS CALAOISE), 2001 GA: (2) Aon chion faoin dlí coiteann ar goid , buirgléireacht, robáil, falcaireacht (ach amháin i ndáil leis an ioncam poiblí), sracadh de bhun oifige nó brionnú é, cealaítear é.	LEGISLATION: CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT, 2001 EN: (2) Any offence at common law of larceny , burglary, robbery, cheating (except in relation to the public revenue), extortion under colour of office and forgery is abolished.
As ‘larceny’	
REACHTAÍOCHT: Ionstraim Reachtúil: Uimh. 93 de 1997 GA: (2) Barántas faoin Larceny Act, 1916 (6 & 7 Geo.	LEGISLATION: Statutory Instrument: No. 93 of 1997 EN: Warrant under the Larceny Act, 1916 (6 & 7 Geo.

¹⁹⁴ While Dinneen has spelled the term ‘ladrannacht’, this is not to be found in any Irish legislation either.

In the first example above, ‘larceny’ is again translated as ‘goid’, with ‘theft’ rendered as ‘gadaíocht’ in the title of the act, revealing a level of consistency with Irish legislation. While the 1916 Larceny Act is left untranslated, as in the second example above, the 1990 Larceny Act is elsewhere translated as ‘An tAcht um Ghoid’ – again, revealing a level of terminological consistency between ‘goid’ and ‘larceny’. While our second English legal term, ‘theft’, is not in the corpus at hand, it is translated in other Irish legislation as follows:

‘Theft’ in other Irish legislation	
As ‘goid’	
<p>REACHTAÍOCHT: AN tACHT UM GHOID, 1990</p> <p>GA: (4) Chun na gcríoch a shonraítear i bhfo-alt (1) den alt seo, measfar gur maoín ghoidte maoín cibé acu atá sí goidte, claonchasta, comhshóite go calaoiseach nó faighte le dúmas bréige nó trí aon chion a dhéanamh faoi alt 29, 30 nó 31 den Phríomh-Acht; agus is dá réir sin a fhorléireofar “goid” agus “gadaí”.</p>	<p>LEGISLATION: LARCENY ACT, 1990</p> <p>EN: (4) For the purposes specified in <i>subsection (1)</i> of this section, property shall be regarded as stolen property whether it has been stolen, embezzled, fraudulently converted or obtained by false pretences or by the commission of any offence under section 29, 30 or 31 of the Principal Act; and “<i>steal</i>”, “theft” and “<i>thief</i>” shall be construed accordingly.</p>
As ‘gadaíocht’	
<p>REACHTAÍOCHT: AN tACHT UM CHOINBHINSIÚIN NA GINÉIVE, 1962 - Airteagal 93</p> <p>GA: De réir an phrionsabail atá luaite in Airteagal 83, ní ghearrfar ach pionós araíonachta i gcás cionta a dhéanfaidh príosúnaigh chogaidh d'aontoisc chun a n-éalú a éascú, gan aon fhoréigean</p>	<p>LEGISLATION: GENEVA CONVENTIONS ACT, 1962 - Article 93</p> <p>EN: In conformity with the principle stated in Article 83, offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against</p>

básaithe ná basctha a imirt ar aon duine, ar nós cionta i gcoinne maoinne poiblí, gadaíocht gan rún a saibhrithe féin, páipéir bhréagacha a tharraingt suas nó a úsáid, nó éide shibhialtaigh a chaitheamh.	life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, or the wearing of civilian clothing, shall occasion disciplinary punishment only.
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While our other examples of ‘theft’ which have appeared in our examples of legislation relating to ‘larceny’ have been exclusively translated as ‘gadaíocht’, here in other Irish legislation, the term is also translated as ‘goid’. This use of ‘goid’ for ‘theft’ sullies the fairly consistent use of ‘goid’ for ‘larceny’ in previously covered legislation – a term separate in meaning to that of ‘theft’ in a legal domain. Furthermore, in the same act, ‘goid’ is the given Irish language term for both ‘larceny’ (in the title) and ‘theft’, suggesting that they are semantically congruent, with ‘steal’ similarly being covered by the same term, with “*steal*”, “*theft*” and “*thief*” translated as ““goid” agus “gadaí”.” The overlap in employment of these two terms for ‘theft’ is continued in European legislation, as is evidenced in the following examples:

‘Theft’ in EU & secondary legislation	
As ‘gadaíocht’	
REACHTAÍOCHT: Rialachán (AE) Uimh. 549/2013 ¹⁹⁵	LEGISLATION: Regulation (EU) No 549/2013 ¹⁹⁶
GA: caillteanais airgeadra nó urrús iompróra i ngeall ar chúiseanna (amhail damáiste dóiteáin nó gadaíocht) nach	EN: losses of currency or bearer securities for reasons (such as fire damage or theft) that are not considered

¹⁹⁵ Full title: *Rialachán (AE) Uimh. 549/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 21 Bealtaine 2013 maidir leis an gcóras Eorpach cuntas náisiúnta agus réigiúnach san Aontas Eorpach Téacs atá ábhartha maidir leis an LEE.*

¹⁹⁶ Full title: Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union Text with EEA relevance.

meastar a bheith tubaisteach, agus airgeadra a aistarraingítear ó bheith i gcúrsaíocht nach bhfuil inmhalartaithe a thuilleadh, gan suimeanna a áireamh sa chás ina bhfuil athrú déanta ar an aicmiú ó airgeadra go hearraí luachmhara;	catastrophic, and currency withdrawn from circulation that is no longer exchangeable, excluding amounts where there has been a change in classification from currency to valuables;
As ‘goid’	
REACHTAÍOCHT: Rialachán (AE) Uimh. 549/2013¹⁹⁷ GA: Ní idirbhearta eacnamaíocha iad gníomhaíochtaí neamhdhleathacha i gcás nach nglacann ceachtar de na páirtithe páirt thoilteanach iontu (e.g. goid) agus mar sin ní áirítear iad laistigh de theorainn an táirgthe.	LEGISLATION: Regulation (EU) No 549/2013¹⁹⁸ EN: Illegal activities where either of the parties are not willing participants (e.g. theft) are not economic transactions and so are not included in the production boundary.

Such discrepancy in the Irish translation of ‘theft’ in European legislation is all the more apparent in the two examples given above as the same term is rendered in two different ways in the same legislation without any obvious differences in their use or context. This terminological interchangeability of ‘goid’ and ‘gadaíocht’ is continued in the translation of ‘stealing’ in Irish legislation, as evidenced below:

‘Stealing’ in other Irish legislation	
As ‘gadaíocht’	
REACHTAÍOCHT: ACHT AIRGID REATHA, 1927 GA: 46. —Tuigfar nótaí dlí-thairgthe a tabharfar amach fén Acht so do bheith ina nótaí bainc do réir bhrí an <i>Forgery</i>	LEGISLATION: CURRENCY ACT, 1927 EN: 46. —Legal tender notes issued under this Act shall be deemed to be bank notes within the meaning of the <i>Forgery</i>

¹⁹⁷ Full title as previously given.

¹⁹⁸ Full title as previously given.

<p><i>Act</i>, 1913, agus do réir bhrí aon achtacháin eile a bhaineann le ciontaí i dtaobh nótaí bhainc agus a bheidh i bhfeidhm de thurus na huaire i Saorstát Éireann agus iad do bheith ina n-urrúis luachmhara do réir bhrí an <i>Larceny Act</i>, 1861, an <i>Larceny Act</i>, 1916, agus aon dlí eile a bhaineann le gadaíocht agus a bheidh i bhfeidhm de thurus na huaire i Saorstát Éireann agus iad do bheith ina monaí reatha le Saorstát Éireann chun críche na nAcht a bhaineann le malairtiú earraí agus chun críche aon achtacháin eile den tsórt chéanna.</p>	<p>Act, 1913, and any other enactment relating to offences in respect of bank notes which is for the time being in force in Saorstát Éireann and to be valuable securities within the meaning of the Larceny Act, 1861, the Larceny Act, 1916, and any other law relating to stealing which is for the time being in force in Saorstát Éireann and to be current coin of Saorstát Éireann for the purpose of the Acts relating to truck and any other like enactment.</p>
<p style="text-align: center;">As ‘guid’</p>	
<p>REACHTAÍOCHT: ACHT FÓRSAÍ COSANTA (FORÁLACHA SEALADACHA), 1923</p> <p>GA: Más rud é, de bhua a oifige no ar aon tslí eile, go bhfuil air go hoifigiúil aire do thabhairt d'aon airgead no earraí, puiblí no mileata, no bheith ina gcúram no bheith i seilbh orra, no iad do roinnt, no go bhfuil baint aige leis na gnóthaí sin, an t-airgead no na hearraí sin do ghuid no do chur chun mí-chríche no mí-úsáide go calaoiseach no an ghuid no an cur san do leigint thairis gan innsint, no baint a bheith aige leis, no damáiste do dhéanamh dóibh go toiliúil, ar a fháil ciontach d'Arm-Chúirt féadfar é do chur fé phiantseirbhís no fé aon phionós fé n-a bhun san a luaidhtear san Acht so.</p>	<p>LEGISLATION: DEFENCE FORCES (TEMPORARY PROVISIONS) ACT, 1923</p> <p>EN: Being officially, by virtue of his office or otherwise, charged with or concerned in the care, control, possession or distribution of any public or military money or goods, the offence of stealing, fraudulently misapplying or misappropriating the same, or conniving at or being concerned in the stealing, fraudulent misapplication or misappropriation of the same, or wilfully damaging the same, shall, on conviction by Court-Martial, be liable to suffer penal servitude or such less punishment as in this Act mentioned.</p>

Despite its being spelt as the pre-standard form ‘guid’, ‘goid’ is again employed alongside ‘gadaíocht’ to denote the same term. While it would be acceptable that the one Irish term denote both ‘steal’ and ‘theft’, as they are semantically equivalent terms, two Irish terms employed as terminological equivalents of ‘theft’, ‘stealing’, *and* ‘larceny’, which differs in legal meaning from the first two, is indicative of undesirable overlap in Irish language legal terminology. European legislation, however, is somewhat more consistent in its rendering of ‘stealing’, with all examples translated as ‘goid’:

‘Stealing’ in EU & secondary legislation	
As ‘goid’	
<p>REACHTAÍOCHT: AN tACHT UM CHEARTAS COIRIÚIL (CIONTA GADAÍOCHTA AGUS CALAOISE), 2001</p> <p>GA: (b) gan dochar do mhír (a), déanfar tagairtí, cibé caoi a shainítear iad, in aon achtachán, cibé uair a ritheadh é, do ghadaíocht nó do ghoid (lena n-áirítear tagairtí d’earraí goidte) nó do chionta gaolmhara, agus tagairtí do robáil, do bhuirgléireacht, do thrombhuirgléireacht, do mhaoin ghoidte a ghlacadh nó a láimhseáil, do bhrionnú nó do ghóchumadh a fhorléiriú de réir fhorálacha an Achta seo, agus beidh éifeacht, dá réir sin, le haon achtachán den sórt sin, fara aon mhodhnuithe is gá.</p>	<p>LEGISLATION: CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT, 2001</p> <p>EN: (b) without prejudice to paragraph (a), references, however expressed, in any enactment, whenever passed, to theft or stealing (including references to stolen goods) or related offences, and references to robbery, burglary, aggravated burglary, receiving or handling stolen property, forgery or counterfeiting shall be construed in accordance with the provisions of this Act, and any such enactment shall have effect accordingly, with any necessary modifications.</p>

While the Irish language rendering of ‘stealing’ in European legislation is consistent in its employment of ‘goid’ as a translation equivalent, previous European legislation has shown the same terminological consistency given to ‘larceny’, which was also

uniformly translated as ‘goid’. As highlighted in our legal definitions of these terms, ‘larceny’ and ‘stealing’ differ semantically insofar as the former holds the requirement of asportation. While ‘theft’ and ‘stealing’ are semantically congruent in legal terms, however, in the above example they have been translated in two alternate ways: ‘stealing’ as ‘goid’, and ‘theft’ as ‘gadaíocht’ in the act title. Given the recurrence of these two Irish language terms, ‘goid’ and ‘gadaíocht’ in the translation of ‘theft’, ‘stealing’, and ‘larceny’, it is pertinent to investigate their semantic scope in a legal domain, by examining how they have been employed in both Irish and European legislation:

‘Goid’ in corpus	
As ‘larceny’	
<p>REACHTAÍOCHT: ACHT UM THRÁCHT AR BHÓITHRE, 1933</p> <p>GA: 165. ‘(4) Má bhíonn cúiseamh mar gheall ar fheithicil inneallghluaiste do ghoid i ndíotáil féadfaidh cúiseamh do bheith inti mar gheall ar chionta fén alt so do dhéanamh maidir leis an bhfeithicil sin agus sa chás san féadfar an duine bheidh á dhíotáil amhlaidh d’fháil ciontach i dtaobh an chúisimh mar gheall ar chionta fén alt so do dhéanamh agus, ar an duine sin d’fháil ciontach amhlaidh, féadfar é do dhaoradh chun aon phionóis do b’fhéidir a chur fén alt so ar dhuine do ciontófaí sa chionta san ar an slí achmair.’</p>	<p>LEGISLATION: ROAD TRAFFIC ACT, 1933</p> <p>EN: 165. ‘(4) An indictment containing a count for larceny of a mechanically propelled vehicle may include a count of having committed an offence under this section in relation to such vehicle, and in such case the person so indicted may be found guilty on the count of having committed an offence under this section and, when so found guilty, may be sentenced to suffer any punishment which could be inflicted under this section on a person summarily convicted of such offence.’</p>

As is evidenced in the example above, the three instances of ‘goid’ in the corpus all pertain to ‘larceny’ as given in the 1933 Road Traffic Act, and fulfil the requirement of asportation insofar as they pertain to the larceny of a ‘mechanically propelled

vehicle’. In other Irish legislation, however, this consistency is abandoned as ‘goid’ is employed as the translation equivalent not only of ‘larceny’, but of ‘theft’ and ‘stealing’:

‘Goid’ in other Irish legislation	
As ‘theft’	
<p>REACHTAÍOCHT: ACHT NEODRACHTA (DÍOBHÁIL CHOGAIDH DO MHAOIN), 1941.</p> <p>GA: (b) an méid iomlán a bheidh sa chúiteamh a deonfar no is iníoctha alos uaireadóirí, seodra agus earraí ornáide pearsanta (seachas aon earraí den tsórt san do bhí á gcoimeád ag á n-únaer mar chuid dá stoc trádála no do bhí, am déanta na díobhála, árachuithe go sonnrách in aghaidh a gcaillte tré éinní amháin ar a laighead aca so leanas, eadhon:—tóiteán, burglaereacht, agus goid, pé aca bhain an t-árachas san leis an díobháil no nár bhain) do díobháladh in aon díobháil áirithe, ní bheidh sé níos mó ná cúig per cent. de lánmhéid an chúitimh fén Acht so deonfar alos maoine (seachas foirgintí agus seachas áirnéisí le n-a mbaineann an mhír seo no an chéad mhír eile den alt so) do díobháladh leis an díobháil sin;</p>	<p>LEGISLATION: NEUTRALITY (WAR DAMAGE TO PROPERTY) ACT, 1941.</p> <p>EN: (b) the aggregate amount of the compensation awarded or payable in respect of watches, jewellery and articles of personal ornament (other than any such articles which were kept by the owner as part of his stock-in-trade or were, when the injury occurred, specifically insured against loss by at least one of the following, viz: —fire, burglary, and theft, whether such insurance did or did not apply to the injury) injured in any one injury shall not exceed five per cent. of the total amount of compensation under this Act awarded in respect of property (other than buildings and other than chattels to which either this paragraph or the next following paragraph of this section applies) injured by that injury;</p>
As ‘steal’	
<p>REACHTAÍOCHT: AN tACHT COSANTA, 1954 CUID I</p> <p>GA: ‘tá leis an bhfocal “goid” an bhrí atá</p>	<p>LEGISLATION: DEFENCE ACT, 1954 PART I</p> <p>EN: ‘the word “steal” has the same</p>

leis an bhfocal “steal” chun críocha an <i>Larceny Act</i> , 1916, agus forléireofar focail ghaolmhara dá réir sin;”	meaning as it has for the purposes of the Larceny Act, 1916, and cognate words shall be construed accordingly;’
As ‘larceny’	
REACHTAÍOCHT: AN tACHT UM ATHCHÓIRIÚ AN DLÍ REACTÚIL 2007 GA: ‘1861 (24 & 25 Vict.) c. 96 - Goid - <i>Larceny Act</i> 1861’	LEGISLATION: STATUTE LAW REVISION ACT 2007 EN: ‘1861 (24 & 25 Vict.) c. 96 - Larceny - Larceny Act 1861’

The second example above is particularly interesting as it specifies that ‘goid’, as the English legal term ‘steal’, has the same meaning as is outlined in the 1916 Larceny Act, and that ‘cognate words shall be construed accordingly’ – despite the fact that ‘stealing’ and ‘larceny’ are separate legal terms and separate legal offences. The employment of ‘goid’ for our three English terms has similarly been carried into the translation of European legislation:

‘Goid’ in EU & secondary legislation	
As ‘stealing’	
REACHTAÍOCHT: AN tACHT UM CHEARTAS COIRIÚIL (CIONTA GADAÍOCHTA AGUS CALAOISE), 2001 GA: ‘(a) go gciontaítear duine i gcion faoi threoir na gadaíochta (cibé acu is í an ghoid an chuid riachtanach den chion nó nach ea), nó...’	LEGISLATION: CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT, 2001 EN: ‘(a) a person is convicted of an offence with reference to the theft (whether or not the stealing is the essential ingredient of the offence), or...’
As ‘larceny’	
REACHTAÍOCHT: AN tACHT UM CHEARTAS COIRIÚIL (CIONTA GADAÍOCHTA AGUS CALAOISE), 2001 GA: ‘(2) Aon chion faoin dlí coiteann	LEGISLATION: CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT, 2001 EN: ‘(2) Any offence at common law of

ar goid , buirgléireacht, robáil, falcaireacht (ach amháin i ndáil leis an ioncam poiblí), sracadh de bhun oifige nó brionnú é, cealaítear é.’	larceny , burglary, robbery, cheating (except in relation to the public revenue), extortion under colour of office and forgery is abolished.’
As ‘theft’	
REACHTAÍOCHT: Rialachán (AE) Uimh. 98/2013 ¹⁹⁹ GA: faisnéis maidir le conas gabháil ar iarraidh shuntasach agus goid suntasacha a aithint agus a thuairisciú;	LEGISLATION: Regulation (EU) No 98/2013 ²⁰⁰ EN: information on how to recognise and report significant disappearances and thefts ;

The link between the semantically inequivalent terms ‘larceny’ and ‘stealing’ is again seen in the first two examples above, with ‘goid’ employed as both English terms in the same act. While ‘gadaíocht’ is not in the corpus, in other Irish legislation it is employed as both ‘stealing’ and ‘theft’:

‘Gadaíocht’ in other Irish legislation	
As ‘theft’	
REACHTAÍOCHT: ACHT ÁRACHAIS, 1936 GA: ‘cialluíonn an abairt “gnó árachais urraíochta” gnó déanta connradh árachais le fostóirí in aghaidh caillteanais de dheascaibh no i dtaobh fostuithe do dhéanamh calaoise, fallsaíochta, gadaíochta no ladrannachta no do	LEGISLATION: INSURANCE ACT, 1936 EN: ‘the expression “ <i>guarantee insurance business</i> ” means the business of effecting contracts of insurance with employers against loss by or incidental to fraud, embezzlement, misappropriation, forgery, theft , or larceny by employees

¹⁹⁹ Full title: *Rialachán (AE) Uimh. 98/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 15 Eanáir 2013 maidir le margú agus úsáid réamhtheachtaithe pléascán Téacs atá ábhartha maidir leis an LEE.*

²⁰⁰ Regulation (EU) No 98/2013 of the European Parliament and of the Council of 15 January 2013 on the marketing and use of explosives precursors Text with EEA relevance.

chlaon-chasadh no do mhí-leithreasú airgid no maoiné, agus gnó tabhartha amach bannaí no connradh urrachais’	and the business of issuing bonds or contracts of suretyship;’
As ‘stealing’	
REACHTAÍOCHT: An tAcht Cosanta (Leasú) 2007 GA: ‘(4) San Acht seo, forléireofar tagairt do ghoid mar thagairt do ghadaíocht de réir bhrí alt 2 den Acht um Cheartas Coiriúil (Cionta Gadaíochta agus Calaoise) 2001.’	LEGISLATION: Defence (Amendment) Act 2007 EN: ‘(4) In this Act, a reference to stealing shall be construed as a reference to theft within the meaning of section 2 of the Criminal Justice (Theft and Fraud Offences) Act 2001.’

Given that both ‘theft’ and ‘stealing’ share a common legal meaning, that the two terms in English would be rendered as one term in Irish, as in ‘gadaíocht’ above, is entirely acceptable. In the second example above, however, both terms have been translated as two separate Irish terms – ‘goid’ and ‘gadaíocht’ – in the one sentence. Moreover, given that the two terms have also been translated by the *Rannóg* as ‘goid’, which has in turn been employed as the semantically incongruous term ‘larceny’, there appears throughout our examples of EN-GA legal translation that terminological uniformity as regards ‘theft’, ‘stealing’ and ‘larceny’ is somewhat lacking. Our final terminological search substantiates this point:

‘Gadaíocht’ in EU & secondary legislation	
As ‘theft’	
REACHTAÍOCHT: AN tACHT UM CHEARTAS COIRIÚIL (CIONTA GADAÍOCHTA AGUS CALAOISE), 2001 GA: ‘(b) gan dochar do mhír (a), déanfar tagairtí, cibé caoi a shainítear iad, in aon achtachán, cibé uair a ritheadh é,	LEGISLATION: CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT, 2001 EN: ‘(b) without prejudice to paragraph (a), references, however expressed, in any enactment, whenever passed, to theft

do ghadaíocht nó do ghoid (lena n-áirítear tagairtí d'earraí goidte) nó do chionta gaolmhara, agus tagairtí do robáil, do bhuirgléireacht, do thrombhuirgléireacht, do mhaoin ghoidte a ghlacadh nó a láimhseáil, do bhrionnú nó do ghóchumadh a fhorléiriú de réir fhorálacha an Achta seo, agus beidh éifeacht, dá réir sin, le haon achtachán den sórt sin, fara aon mhodhnuithe is gá.'	or stealing (including references to stolen goods) or related offences, and references to robbery, burglary, aggravated burglary, receiving or handling stolen property, forgery or counterfeiting shall be construed in accordance with the provisions of this Act, and any such enactment shall have effect accordingly, with any necessary modifications.'
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While, as evidenced above, 'gadaíocht' is exclusively employed in European legislation as the translation equivalent of 'theft', we have seen previously that while 'larceny' is singularly translated in European legislation as 'goid', the legal term 'stealing' has been rendered in European EN-GA legal translation as both 'goid' and 'gadaíocht', despite being semantically congruent with 'theft' alone. This hints at a need for terminological consistency, and official assessment or review of *Rannóg an Aistriúcháin* translations in order to ensure semantic congruity between the English and Irish legislative texts.

3.2.4. Legal/Lawful

The following terminological analysis will focus on two semantically related legal terms which overlap slightly in usage both in the corpus and in subsequent EU legislative material, namely 'legal' and 'lawful'. Both terms appear in the corpus, employed as both 'dleathach' and 'dlíthiúil' interchangeably. 'Dlíthiúil' features a total of 15 times in the corpus - fourteen times as 'dlíthiúil', and once as 'dhlíthiúil'²⁰¹ - while 'dleathach' features a total of 218 times in the corpus - 215 times as 'dleathach', once as 'dhleathach', once as 'dhleathaigh', and one instance of

²⁰¹ Plus three other occurrences of the negative 'nea-dhlíthiúil'.

‘dleathacha’.²⁰² Such overlap in terminology leaves room for potential ambiguity in the corpus and in subsequent Irish and European legislation and, as such, it is pertinent to assess the semantics of these terms both in a general and in a legal domain. ‘Legal’ is defined in Oxford English Dictionary (OED) as follows:

legal *adj.*

1. a. Recognized as such in the eye of the law; (of a child) legitimate.
- b. Required or appointed by law; founded on or deriving authority from law.
- c. Recognized by law as distinguished from equity.

2. *Theol.* Of or relating to the Mosaic Law; existing under or founded upon that law. Also: of, relating to, concerned with, or based on a law which affords salvation as a result of doing good works (as opposed to salvation by faith); †(of a person) upholding this law (*obs.*).

- 3.a. Of or relating to law; falling within the province of law.
- b. Observant of law; devoted to law.
- c. Belonging to or characteristic of the profession of the law.

- 4.a. Permitted, or not forbidden, by law; lawful; *spec.* officially authorized to live and work in a country
- b. *gen.* Allowed by or in accordance with a particular set of rules; acceptable, permissible.

A general synopsis of the above would appear to broadly define ‘legal’ as something which is either required by law, recognized by law, or relating to law, and as such, the semantic scope of ‘legal’ itself is reasonably broad, if not only outside of a legal domain. ‘Lawful’ is defined in OED²⁰³ as follows:

lawful *adj.*

- 1.a. According or not contrary to law, permitted by law. Frequent in predicative use.

²⁰² Plus sixteen occurrences of the negatives ‘nea-dheathach’ and one occurrence of ‘nea-dhleathaigh’.

²⁰³ Note that definition number 5 has been omitted as it merely outlines adverbial use as opposed to providing a definition or further meaning.

- b. Permissible; allowable, justifiable. *Obs.*
- 2. a. Appointed, sanctioned, or recognized by law; legally qualified or entitled.²⁰⁴ †b. *ellipt.* = lawful money, weight. *Obs.*
- c. Of a marriage: Such as the law permits; and regards as valid. Of offspring: Born in lawful wedlock, legitimate.
- †3. Observant of law or duty; law-abiding, faithful, loyal. *Obs.*
- †4. Pertaining to or concerned with law. *Obs.*
- 6. Describable or governed by laws of nature.

As is evidenced above, the definition of ‘lawful’ overlaps with that of ‘legal’ in certain instances and to varying degrees. If we take ‘legal’ to mean *recognized* by law, then definitions 1.a., 2.a., 2.c., 3., and 6. of ‘lawful’ above can be construed as sharing this meaning. If we follow that what is ‘legal’ is that which *relates* to law, then definition 4. of ‘lawful’ certainly overlaps. However, if what is ‘legal’ is that which is *required* by law, then none of the definitions of ‘lawful’ above correspond, meaning that the semantic ranges of that which is legal and that which is lawful are separate, yet intersect in certain instances. Given that, in a legal domain, such terminology is necessarily more strictly defined, and that the semantic weight carried by legal terms carries legal consequence, it is necessary to define such terminology in the context of the law itself.

Collins Dictionary of Law defines ‘legal’ as ‘pertaining to law’, while West's Encyclopedia of American Law broadens this definition as follows – ‘conforming to the law; required or permitted by law; not forbidden by law’. Again, these legal definitions correspond with those in OED; that which is legal is recognized in, related to, or required by the law. ‘Lawful’, on the other hand, is defined in Collins Dictionary of Law as ‘allowed, recognized, or sanctioned by law; legal’. Not only does this correspond with our OED definition of legal, but it also gives ‘legal’ as a definition of ‘lawful’ itself. West’s Encyclopedia differs slightly in defining what is ‘lawful’, describing it as that which is ‘licit; legally warranted or authorized’, and

²⁰⁴ Definition continues, ‘Now chiefly in certain traditional collocations, as *lawful heir, lawful king, lawful money, lawful parliament, lawful sovereign, lawful succession, lawful title*; also, *lawful captive, lawful prey, lawful prize, (to be) lawful game*.’

expanding on this by describing exactly how ‘legal’ and ‘lawful’ differ in meaning in law:

‘The terms lawful and legal differ in that the former contemplates the substance of law, whereas the latter alludes to the form of law. A lawful act is authorized, sanctioned, or not forbidden by law. A legal act is performed in accordance with the forms and usages of law, or in a technical manner. In this sense, illegal approaches the meaning of invalid. For example, a contract or will, executed without the required formalities, might be regarded as invalid or illegal, but could not be described as unlawful.’

In this manner, this primary disparity between the two appears to pertain to morality: where ‘legal’ purely indicates compliance with formal rules, ‘lawful’ generally signifies an ethical permissibility insofar as what is unlawful may break a moral code, while something illegal simply fails to adhere to written rule. West’s definition adds that ‘an additional distinction is that the word legal is used as the synonym of constructive, while lawful is not. Legal fraud is fraud implied by law, or made out by construction, but lawful fraud would be a contradiction in terms.’ Garner’s *Dictionary of Modern Legal Usage* (2001: 515) similarly differentiates between the semantics of ‘legal’ and ‘lawful’ in a legal domain:

legal, adj; **lawful**; **licit**. *Legal* is the broadest term, meaning either (1) “of or pertaining to law, falling within the province of law,” or (2) “established, permitted, or not forbidden by law”... *Lawful* and *licit* share with *legal* sense (2), “according or not contrary to law, permitted by law” ... *Lawful* should not be used in sense (1) of *legal*, as it sometimes is – eg. “The judgement must be affirmed if there is sufficient evidence to support it on any *lawful* [read: *legal*] theory, and every fact issue sufficiently raised by the evidence must be resolved in support of the judgement.”

The primary differentiation in a legal sense, therefore, appears to be that that which is lawful fits under the remit of the law, whereas that which is legal adheres to the letter of the law. This is similarly evidenced by a search for ‘dleathach’ and ‘dlíthiúil’ on tearma.ie, where both terms are defined both as ‘lawful’ and ‘legal’, but ‘dlíthiúil’ alone is given in the context of ‘juridicial, ‘of law’. As West describes,

however, there is a degree of overlap in the semantic range of the two, as ‘under certain circumstances... the two words are used as exact equivalents. A lawful writ, warrant, or process is the same as a legal writ, warrant, or process.’ It is of note that most of the definitions above, in defining what ‘lawful’ and ‘legal’ *are*, similarly make reference to what they *are not* – ‘According or not contrary to law’, ‘not forbidden by law’, ‘a contract or will, executed without the required formalities, might be regarded as invalid or illegal, but could not be described as unlawful.’ It appears, then, that an investigation as to the use of ‘legal’ and ‘lawful’ in the analysis will similarly require an analysis of what is described as ‘illegal’ or ‘unlawful’, and to what extent, if any, the terms and their antonyms are employed interchangeably.

The Irish language equivalent of ‘legal’ given in our official English-Irish legal sources, *Téarmaí Dlí* and *An Foclóir Dubh*²⁰⁵, in both cases, is ‘dlíthiúil’, as is the case in our non-official source of Irish legal terminology, *Focal sa Chúirt*. As such, this shall be the Irish language term upon which we base our analysis of ‘legal’. In order to assess the semantic range of both ‘legal’ and ‘dlíthiúil’ in Irish, it is necessary to consult our English-Irish and Irish English lexicographical sources. The English-Irish dictionaries employed in the analysis give the following renderings of ‘legal’:

Lane:

Legal: reachtamhail ; dligtheach ; dlisteanach

Foley:

Legal *adj.* see *Lawful*

McKenna:

Legal. Adviser – comhairleach dlighidh; Assistance – congnamh dligheadóra; Custody – coimeád do réir dlighe ...; legally – do réir dlighe

De Bhaldraithe:

²⁰⁵ A search for ‘legal’ in *An Foclóir Dubh* gives the following: legal disability – *mí-chumas dlíthiúil* (54/31/41).

legal practitioners – *lucht cleachtuithe dlí* (Im. 1929/238), legal tender notes – *nótaí dlí-thairgthe* (Irish an Ph. 7/7/1929), legally – *do réir dlí*.

Legal, a. 1 Dleathach, dlisteanach. 2 a Dlíthiúil, reachtúil, de réir dlí. By legal process, trí phróiseas dlí. Legal security, urrús dlí. Legal document, cáipéis dlí. (Of corporation) They acquired legal status, fuaireadar ceart reachta. b Legal year, bliain an dlí, na cúirte. Legal department (of banks, etc.), Roinn f dlí. He went into the legal profession, chuaigh sé le dlí. Legal practitioner, dlíodóir m; fear m dlí. He took legal advice, chuir sé an scéal i gcomhairle dlíodóra. Legal term, téarma dlí. The legal mind, aigne lucht dlí, an dlíodóra. ► legally, adv. (i) Go dleathach, etc.; (ii) de réir dlí. Legally responsible, freagrach os comhair an dlí.

It is of particular note that Lane gives ‘reachtamhail’, ‘dligtheach’ and ‘dlisteanach’ as renderings of ‘legal’, but omits ‘dlíthiúil’ altogether. De Bhaldraithe similarly gives ‘reachtúil’, ‘dleathach’, and ‘dlisteanach’, yet adds ‘dlíthiúil’ in meaning number two. Similarly, Foley directly equates ‘legal’ and ‘lawful’, referring the reader searching for an Irish language equivalent of ‘legal’ to ‘see *Lawful*’.

In order to further assess the semantic range of ‘legal’, it is necessary to assess the given equivalents of ‘dlíthiúil’ in our Irish-English lexicographical sources:

FGB:

Dlíthiúil, a2. **1.** Legal, juridical, lawful. Argóint dhlíthiúil; legal argument. Deimhniú, fiosrúchán, ~, judicial proof, enquiry. Dúnbhású ~, justifiable homicide. **2.** Litigious

Dinneen:

dligtheamhail, -mhla, a., lawful, just

Again, in both definitions, ‘lawful’ is given as an equivalent, and in Dinneen, ‘legal’ is not given as an equivalent at all, despite the fact that ‘legal’ is the official equivalent of ‘dlíthiúil’ in a legal domain. That said, Dinneen *does* give ‘legal’ as an equivalent of ‘dligheach’²⁰⁶, ‘reachtach’²⁰⁷, ‘reachtamhail’²⁰⁸, ‘reachtdha’²⁰⁹, ‘teachtmhar’²¹⁰, and ‘dleathach’²¹¹, and of these, also ‘lawful’ as an equivalent for all but ‘teachtmhar’. With this in mind, it is necessary to assess how far such terminology overlaps in our lexicographical sources when attempting to find an

²⁰⁶ also gives lawful, regular, formal.

²⁰⁷ also gives lawful, constitutional.

²⁰⁸ also gives lawful, legitimate.

²⁰⁹ also gives lawful, just.

²¹⁰ also gives legitimate.

²¹¹ also gives lawful, regular.

appropriate equivalent of ‘lawful’. The Irish language equivalent of ‘lawful’ given in our official English-Irish legal sources, *Téarmaí Dlí* and *An Foclóir Dubh*²¹², in both cases, is ‘dleathach’, as is the case in our non-official source of Irish legal terminology, *Focal sa Chúirt*. As such, this shall be the Irish language term upon which we base our analysis of ‘lawful’. In order to assess the semantic range of both ‘lawful’ and ‘dleathach’ in Irish, it is necessary to consult our English-Irish and Irish English lexicographical sources. The English-Irish dictionaries employed in the analysis give the following renderings of ‘lawful’:

Lane:

lawful *adj.* dlightheach; dlisteanach

Foley:

lawful *adj.* dlightheach, dlightheamhuil, cóir, ceart, dlisteanach, ceaduightheach

De Bhaldraithe:

lawful, a. 1. Dleathach, dlisteanach, ceadaithe. 2. (Ceart, conradh) dlíthiúil, reachtúil, de réir dlí; (páiste) dlisteanach. Lawful currency, airgead reachtúil
3. (Éileamh) cóir. ► lawfully, adv. 1 Go dleathach, etc. 2 De réir dlí.

McKenna:

lawful - *v.* right, permit, dleaghthach; ceart; dlisteanach 1. Coin. airgead dleaghthach

Unlike our search for ‘dlíthiúil’ in our English-Irish sources under ‘legal’, ‘dleathach’ is a given equivalent of ‘lawful’ in all the cases above, while ‘dlisteanach’, ‘dlíthiúil’ and, to a lesser extent, ‘reachtúil’ are again recurrent features. As in our legal description of ‘lawful’, there is an ethical emphasis in the Irish language renderings of ‘lawful’ given above, with ‘ceart’ (right), ‘ceadaithe’ (permitted), and ‘cóir’ (just) appearing as translation equivalents, again emphasizing that this is where ‘lawful’ differs semantically from ‘legal’. A search for ‘dleathach’ in our Irish-English lexicographical sources gives the following:

²¹² See footnote 205.

FGB:

dleathach, a1. 1. Lawful, legal. Ceart, teideal, ~ (ar rud), legal right, title (to sth.). Fianaise dhleathach, legal evidence. Seachadadh ~, legal tender. 2. Valid, genuine. 3. Just, proper. (Var: dleathúil a2)

Dinneen:

dleachtach, -aighe, a., lawful, right, proper (dleacht also is used as adj.).

Again, the given equivalents of ‘dleathach’ have this moral element which the equivalents of ‘legal’ and ‘dlíthiúil’ do not – Ó Dónaill gives ‘genuine’, ‘just’, and ‘proper’, while Dinneen gives ‘right’ and ‘proper’. While these lexicographical sources do not claim to give equivalents of such terms for use in a legal domain, it is notable that they fit with West’s reference to a moral code. Such is the recurrence of the two terms ‘reachtúil’ and ‘dlísteach’ in the lexicographical sources above, that it is necessary to investigate how exactly these terms are defined in our official English-Irish source of legal terminology, *Téarmaí Dlí*, in order to ascertain whether or not such terms hold a separate meaning to ‘legal’ in a legal domain. *TD* defines ‘reachtúil’ as ‘statutory’, and ‘dlísteach’ as ‘legitimate’ in both its GA-EN and EN-GA entries – as does our unofficial source of legal terminology, *Focal sa Chúirt*. While we have already defined ‘lawful’ in a legal context and acknowledged the instances where it overlaps semantically with ‘legal’, it is necessary to give both ‘statutory’ and ‘legitimate’ the same consideration. *Collins Dictionary of Law* defines ‘legitimate’ as ‘authorized, sanctioned by, or in accordance with law’, while *West’s Encyclopedia of American Law* describes that which is legitimate as ‘that which is lawful, legal, recognized by law, or in accordance with law, such as legitimate children or legitimate authority; real, valid, or genuine.’ Both ‘lawful’ and ‘legal’ are employed in West’s definition of ‘legitimate’, revealing further semantic commonality in these terms in a legal domain. Where ‘legitimate’ differs from ‘legal’ in this domain, however, is that while that which is ‘legitimate’ is *recognized* by law, it does not necessarily encompass that which *relates* to or is *required* by law. ‘Statutory’ is defined by *Collins Dictionary of Law* as ‘prescribed, authorized or recognized by statute’, and similarly by *West’s Encyclopedia of American Law* as ‘created, defined, or relating to a statute; required by statute; conforming to a statute’. The closest relationship ‘statute’ holds with ‘legal’, therefore, is the notion of being required or recognized by something legal, though it explicitly differs in that for

something to be statutory, it is specifically required or recognized by statute – and not by any other legal instrument. As such, ‘statutory’ shares the least semantically with ‘legal’ in a legal domain.

Having established the semantics of both terms both within and outside of a legal domain, it is necessary to investigate how these four legal terms ‘dleathach’, ‘dlíthiúil’, ‘reachtúil’, and ‘dlisteanach’ are employed both in the corpus and in subsequent European legislation. The corpus reveals ‘[go] dlíthiúil’ being used for ‘legal’, ‘legally’, and ‘lawfully’, as is evidenced in the examples below:

‘Dlíthiúil’ in the corpus	
As ‘legal’	
<p>REACHTAÍOCHT: ACHT CÁIRDE TALMHAÍOCHTA</p> <p>GA: (3) Féadfadh éinne is páirtí chun morgáiste áirnéise (pe'ca mar mhorgáisteoir, mar mhorgáistí, no mar urra é) no ionadaí dlíthiúil éinne den tsórt san, an morgáiste áirnéise sin do chlárú, laistigh de sheacht lá agus ní níos sia ná san tar éis a dháta, in aon chlár de mhorgáistí áirnéise in ar féidir an morgáiste áirnéise sin do chlárú fén alt so agus féadfadh an morgáistí sin no, le haontú an mhorgáistí i scríbhinn, féadfadh an morgáisteoir no an t-urra san no a ionadaí dlíthiúil an morgáiste áirnéise sin do thógaint as aon chlár den tsórt san aon uair.</p>	<p>LEGISLATION: AGRICULTURAL CREDIT ACT, 1927</p> <p>EN: (3) Any person party to a chattel mortgage (whether as mortgagor, mortgagee, or surety) or the legal representative of any such person may register such chattel mortgage within seven days and no longer after its date in any register of chattel mortgages in which such chattel mortgage is capable of being registered under this section and such mortgagee or, with the consent in writing of the mortgagee, such mortgagor or surety or his legal representative may at any time remove such chattel mortgage from any such register.</p>

As ‘legally’	
<p>REACHTAÍOCHT: ACHT UM CHOIMISIÚN NA nDLEACHT</p> <p>GA: (b) ar bheith i láthair do mar fhínné, diúltú do mhionn do thabhairt a éileoidh an Coimisiún air go dlíthiúil a thabhairt no d'aon scríbhinn fé n-a chomhacht no fé n-a chúram do thabhairt i láthair a éileoidh an Coimisiún air go dlíthiúil a thabhairt i láthair no d'aon cheist d'fhreagairt 'na bhféadfadh an Coimisiún freagra uirthi d'éileamh go dlíthiúil</p>	<p>LEGISLATION: TARIFF COMMISSION ACT, 1926 5(2)</p> <p>EN: (b) being in attendance as a witness refuses to take an oath legally required by the Commission to be taken, or to produce any document in his power or control legally required by the Commission to be produced by him, or to answer any question to which the Commission may legally require an answer</p>
As ‘lawfully’	
<p>REACHTAÍOCHT: ACHT LÍN</p> <p>GA: 21. — (1) Pé uair do gheobhaidh duine ar bith íocaíocht in aon líon-deolchaire fén Acht so agus gan teideal dlíthiúil aige chúichi no chun coda áirithe dhi, beidh an líon-deolchaire sin, no an chuid sin di, ina fiacha bheidh dlite ag an Aire ar an duine sin agus (pe'ca bunúíodh imeachta coiriúla i gcoinnibh an duine sin ina taobh no nár bunúíodh) beidh sí ionbhainte amach ag an Aire mar fhiacha síbhialta in aon Chúirt dlighinse inniúla.</p>	<p>LEGISLATION: FLAX ACT 1936</p> <p>EN: 21. — (1) Whenever any person has obtained payment of any flax bounty under this Act to which or to part of which he was not lawfully entitled, such flax bounty, or such part thereof, shall be a debt due by such person to the Minister and shall (whether criminal proceedings have or have not been taken against such person in respect thereof) be recoverable by the Minister as a civil debt in any court of competent jurisdiction.</p>

If we refer to our legal definition of the terms ‘legal’ and ‘lawful’, we see that the primary differentiation between the two is that that which is lawful fits under the remit of the law, whereas that which is legal adheres to the letter of the law. While

the two terms legitimately overlap in the sense of being ‘according or not contrary to law’, as highlighted by Garner, ‘lawful’ should not be used in the sense of legal being ‘of or pertaining to law’. In this regard, we see that the use of ‘lawful’ above as ‘lawfully entitled’ (‘teideal dlíthiúil’) has been correctly employed insofar as one who is ‘lawfully entitled’ to do something is entitled in accordance with the law to do so. However, while the semantics of the English terms are made explicit by Garner, it is yet unclear as to whether *Rannóg* and EU EN-GA translators understand the distinction in a legal context and, as such, further examples of the employment of these terms is necessary. A search for ‘dleathach’ in the corpus reveals ‘[go] dleathach’ being used interchangeably for ‘validly’, ‘legal’, ‘legally’, and ‘lawfully’, as is evidenced in the examples below:

‘Dleathach’ in the corpus	
As ‘validly’	
<p>REACHTAÍOCHT: ACHT UM RIALTAS ÁITIÚIL (FORALACHA SEALADACHA), 1923</p> <p>GA: 9.(4) Gach gníomh, ní agus rud a dineadh no a fágadh gan déanamh fé Sheana-scéim Chontae, no dá réir, aon uair tar éis an Scéim sin do theacht i ngníomh agus roimh rith an Achta so, agus a bhain le fóirithin na mbocht sa Chontae le n-a mbaineann an Scéim sin tuigfar gur go dleathach a dineadh iad no a fágadh iad gan déanamh (pe'ca aca san é) fén dlí mar a hatharúiodh é do réir an fho-ailt deireannaigh sin.</p>	<p>LEGISLATION: LOCAL GOVERNMENT (TEMPORARY PROVISIONS) ACT, 1923</p> <p>EN: 9.(4) Every act, matter and thing which was done or omitted to be done under or in pursuance of an existing County Scheme in relation to the relief of the poor in the County to which such Scheme relates at any time after such Scheme had come into operation and before the passing of this Act shall be deemed to have been validly done or omitted to be done (as the case may require) under the law as modified or altered pursuant to the foregoing subsection.</p>

As 'legal'	
<p>REACHTAÍOCHT: ACHT UM RIALTAS ÁITIÚIL (FORALACHA SEALADACHA), 1923</p> <p>GA: 9. (6) Aon ghníomh a dineadh roimh rith an Achta so agus do bheadh dleathach mara mbeadh gur ritheadh an t-Acht so ní bheidh sé nea-dhleathach de bhárr oibriú éinní dá bhfuil san alt so.</p>	<p>LEGISLATION: LOCAL GOVERNMENT (TEMPORARY PROVISIONS) ACT, 1923</p> <p>EN: 9. (6) Nothing in this section shall operate to make illegal any act done before the passing of this Act which would have been legal if this Act had not been passed.</p>
As 'lawful'	
<p>REACHTAÍOCHT: ACHT UM RIALTAS ÁITIÚIL (FORALACHA SEALADACHA), 1923</p> <p>GA: 12. (2)(b) Údarás Áitiúil do thabhairt faillí go toiliúil in aon ordú, treoir no rialachán dleathach ón Aire do chó-líona</p>	<p>LEGISLATION: LOCAL GOVERNMENT (TEMPORARY PROVISIONS) ACT, 1923</p> <p>EN: 12. (2)(b) a Local Authority wilfully neglects to comply with any lawful order, direction or regulation of the Minister</p>
As 'lawfully'	
<p>REACHTAÍOCHT: ACHT UM RIALTAS ÁITIÚIL (FORALACHA SEALADACHA), 1923</p> <p>GA: 16. (4) Aon airgead a dhin Comhairle aon Chontae no aon Bhaile-Cheanntair do sholáthar agus do chaitheamh roimh rith an Achta so, chun teagasc sa Ghaedhilg do sholáthar sa Chontae no sa Bhaile-Cheanntar, tuigfar gur soláthruíodh agus gur caitheadh go dleathach é.</p>	<p>LEGISLATION: LOCAL GOVERNMENT (TEMPORARY PROVISIONS) ACT, 1923</p> <p>EN: 16. (4) Any moneys raised and expended by the Council of any County or Urban District for the purpose of providing instruction in the Irish Language in the county or urban district, prior to the passing of this Act, shall be deemed to have been lawfully raised and expended.</p>

As ‘legal’	
REACHTAÍOCHT: ACHT UM RIALTAS ÁITIÚIL (FORALACHA SEALADACHA), 1923 GA: 18. (2) Na híocaíochta a déanfar in aisioc na suimeanna uile roimh-ráite do réir an fho-ailt roimhe seo beid dleathach agus éifeachtach chun gach críche (agus iniúcha cuntaisí an Údaráis Áitiúla d'áireamh).	LEGISLATION: LOCAL GOVERNMENT (TEMPORARY PROVISIONS) ACT, 1923 EN: 18. (2) The repayment of the several sums aforesaid pursuant to the foregoing sub-section shall for all purposes (including the auditing of the accounts of the Local Authority) be legal and valid payments.

The use of ‘dleathach’ as ‘valid’ in our first example above is a use not seen in our corpus search for ‘dlíthiúil’. OED defines ‘valid’ as ‘good or adequate in law; possessing legal authority or force; legally binding or efficacious’, and is thus in keeping with where ‘legal’ and ‘lawful’ intersect – ‘according or not contrary to law’. This is similarly the case with ‘legal and valid payments’ and ‘lawfully raised and expected’, however, the use of ‘rialachán dleathach’ is, perhaps, questionable in translating ‘lawful order’. While TD gives ‘dleathach’ alone as a translation equivalent of ‘lawful’, a ‘lawful order’ may well constitute an order which is ‘of or pertaining to law’ as opposed to ‘according to the law’, and thus, ‘dlíthiúil’ would be a more appropriate Irish legal term in such a case. However, such an instance would indicate the source of such fault in the source text as opposed to the target text.

The overlap in use of ‘legal’ and ‘lawful’ is thus present in the corpus, with ‘legal’, ‘legally’, and ‘lawfully’ being used interchangeably as both ‘dleathach’ and ‘dlíthiúil’, though largely at their point of natural semantic intersection. Of particular note, however, is that all of the examples of use of ‘dleathach’ come from the same act – the Local Government (Temporary Provisions) Act 1923, revealing terminological disparity not only from one act to another, but within acts themselves. While ‘legal’ and ‘lawful’ certainly intersect in meaning, it would be advisable to employ ‘dlíthiúil’ alone in those instances where ‘of or pertaining to law’ is meant, and reserve the use of ‘dleathach’ for ‘according or not contrary to law’ in order that the semantics of the two terms are more easily discernible by the reader of the Irish

language text. Similarly of note is the use of ‘nea-dhleathach’ (‘neamhdhleathach’ in modern standard Irish) as opposed to ‘neamhdhlíthiúil’ when translating ‘illegal’, thus treating ‘illegal’ and ‘unlawful’ in Irish as exact equivalents, which they are not. This is an issue with legal terminology not only within the acts themselves, but in *Téarmaí Dlí* also, as O’Rourke (2014: 268) highlights:

‘A minor anomaly that is worth adverting to is the title itself [of *Téarmaí Dlí*]. In the Irish Legal Terms Act of 1945 and in the subsequent orders ‘legal terms’ was rendered ‘téarmaí dlíthiúla’ yet in the compilation it is rendered ‘téarmaí dlí’. This change of mind illustrates a number of the difficulties bedevilling the core of the language’

This preference of the genitive of the noun, ‘dlí’, over the adjective, ‘dlíthiúil’, is thus preferable in instances relating our first legal definition of ‘legal’ - ‘of or pertaining to the law’. Indeed, in the case of TD, for example, this is justified as ‘it is a collection of terms which are not ‘legal’ as opposed to ‘illegal’ but ‘pertaining to the law’’ (*ibid*).²¹³ As such, one suggestion for EN-GA legal translators may be to employ only ‘dlí’ as the genitive of the noun in the case of our first definition of ‘legal’ (‘of or pertaining to the law’) and ‘dleathach’ alone in our second definition of ‘legal’ (‘according to or not contrary to law’) in order to avoid any terminological confusion in the Irish translation. ‘Dlí’ has been employed in the corpus and in EU/secondary legislation in the following way:

‘Dlí’ in the corpus	
As ‘legal’	
REACHTAÍOCHT: ACHT UM RIALTAS ÁITIÚIL (FORALACHA SEALADACHA), 1923	LEGISLATION: LOCAL GOVERNMENT (TEMPORARY PROVISIONS) ACT, 1923
GA: AGUS DE BHRÍ, go dtí go bhféadfar ath-ghléasa fórléathan ar iomlán an dlí um Rialtas Áitiúil i	EN: AND WHEREAS until a comprehensive reorganization of the whole law of Local Government in

²¹³ In this regard, O’Rourke (*ibid*) also notes the entries which endorse this distinction: ‘ceist dlí (question of the law), sócmhainní dlí (legal assets) but argóint dhlíthiúil (legal argument). Other anomalies flow from this. *Dlíthiúil* is the adjectival form for ‘legal’ and *dleathach* for ‘lawful’ yet *neamhdhleathach* is the only version given for ‘illegal’ and also for ‘unlawful’.

<p>Saorstát Éireann d'ullamhú agus do leaga fé bhráid an Oireachtais, go bhfuil sé riachtanach socrú sealadach do dhéanamh chun na lochtanna is mó dá bhfuil sa dlí do leigheas agus, go sonnrách, údarás dlí do thabhairt do sna Scéimeanna roimh-ráite sin i gcóir fóirithin na mbocht do cuireadh i ngníomh ag roinnt Comhairlí Contae mar adubhradh, comhacht do thabhairt do Chomhairlí Contae eile a leithéidí eile sin de Scéimeanna do chur i bhfuirm, comhachtanna áirithe i gcóir éigeandála do thabhairt d'Údaráis Áitiúla,</p>	<p>Saorstát Eireann can be prepared and submitted to the Oireachtas it is necessary that temporary provision should be made to remedy the more serious defects in the law and in particular that legal authority should be given to the said Schemes of poor relief which have been put into operation by several County Councils as aforesaid, that power should be given to other County Councils to formulate similar schemes, that certain emergency powers should be given to Local Authorities</p>
<p>As 'of the law'</p>	
<p>REACHTAÍOCHT: ACHT IASCAIGH, 1925</p> <p>GA: 33.—Gach éinne a thabharfidh no a chuirfidh fé ndéar go dtabharfar no a chuideoidh no a chabhróidh chun go dtabharfar aon chomhartha no foláramh d'éinne atá ag iascach go neadhhlíthiúil go bhfuil aon bháille, oifigeach do bhord chimeádaithe, no oifigeach dlí ag teacht, beidh sé ciontach i gcionta fén alt so agus, ar a chiontú ann ar an slí achmair, dlighfar fineáil ná raghaidh thar cúig píunt do chur air.</p>	<p>LEGISLATION: FISHERIES ACT, 1925</p> <p>EN: 33.—Every person who shall make or cause to be made or aid or assist in making any signal or warning to any person engaged in fishing illegally of the approach of any bailiff, officer of a board of conservators, or officer of the law shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding five pounds.</p>

‘Dlí’ in the EU legislation	
As ‘legal’	
<p>REACHTAÍOCHT: Rialachán (AE) 2016/679²¹⁴</p> <p>GA: An bunús dlí a fhoráiltear le dlí Aontais nó le dlí Ballstáit chun sonraí pearsanta a phróiseáil, féadfaidh sé bunús dlí a thabhairt chun tuilleadh próiseála a dhéanamh freisin.</p>	<p>LEGISLATION: Regulation (EU) 2016/679²¹⁵</p> <p>EN: The legal basis provided by Union or Member State law for the processing of personal data may also provide a legal basis for further processing.</p>
As ‘law’	
<p>REACHTAÍOCHT: AN tACHT UM CHEARTAS COIRIÚIL (CIONTA GADAÍOCHTA AGUS CALAOISE), 2001</p> <p>GA: — nuair is náisiúnach den Bhallstát i dtrácht an ciontóir, ar chuntar go bhféadfaidh dlí an Bhallstáit sin foráil go bhfuil an t-iompar inphionóis freisin sa tír inar tharla sé.</p>	<p>LEGISLATION: CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT, 2001</p> <p>EN: — the offender is a national of the Member State concerned, provided that the law of that Member State may require the conduct to be punishable also in the country where it occurred.</p>

In all of cases above, the genitive of the noun ‘dlí’ has been employed in order to denote something which pertains to the law or ‘of the law’, as in our second example

²¹⁴ Full title: *Rialachán (AE) 2016/679 ó Pharlaimint na hEorpa agus ón gComhairle an 27 Aibreán 2016 maidir le daoine nádúrtha a chosaint i ndáil le sonraí pearsanta a phróiseáil agus maidir le saorghluaiseacht sonraí den sórt sin, agus lena n-aisghairtear Treoir 95/46/CE (An Rialachán Ginearálta maidir le Cosaint Sonraí) (Téacs atá ábhartha maidir leis an LEE).*

²¹⁵ Full title: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance).

from the corpus. This is in line with our first definition of ‘legal’ (‘of or pertaining to law’) insofar as the ‘oifigeach dlí’ and ‘údarás dlí’ are not ‘legal’ in the second meaning of the term, ‘according or not contrary to law’. In this regard, we refer back to the use of ‘ionadaí dlíthiúil’ as ‘legal representative’ in our first example of ‘dlíthiúil’ in the corpus from the Agricultural Credit Act 1927. In this instance, the representative referred to is not ‘legal’ as in the opposite of ‘illegal’, but ‘legal’ in that they pertain to the law. In this regard, therefore, ‘ionadaí dlí’ may well have been a more appropriate rendering of this term in the Irish legal text. There is a high level of terminological consistency in the employment of ‘dlí’ in Irish language European legislation, as all instances of ‘dlí’ are translations of legal (‘of or pertaining to law’), or simply ‘law’ itself. Again, such is the ease of understanding which comes with the use of ‘dlí’ as ‘legal’ in this context, that it is arguably desirable in place of ‘dlíthiúil’ in order to avoid semantic confusion.

Given the repeated instances of ‘reachtúil’ and ‘dlisteanach’ in a search for ‘legal’ and ‘lawful’ in our lexicographical sources, and having established their EN equivalents in TD (‘statutory’ and ‘legitimate’ respectively) it is necessary to investigate to what extent, if any, such GA terms are employed in the corpus, and if there is any such overlap in use for ‘legal’ and ‘lawful’ in the *Rannóg* translations. ‘Reachtúil’ appears a total of 51 times in the corpus - 23 times as ‘reachtúil’, and 28 times in the plural adjective ‘reachtúla’ – and always as a translation of ‘statute’ or ‘statutory’ as evidenced in the examples below:

‘Reachtúil’ in the corpus	
As ‘statute’	
REACHTAÍOCHT: ACHT CHUN TALAMH DO THÓGAINT (PLÁSÁIN), 1926 GA: cialluíonn an focal “plásán” smut talmhan ná fuil thar ceathrú d'acra reachtúil ann agus atá curtha no atáthar ar aigne a chur ar cíós chun go saothródh duine é chun glasraí do	LEGISLATION: ACQUISITION OF LAND (ALLOTMENTS) ACT, 1926 EN: the word “ <i>allotment</i> ” means a piece of land containing not more than one-quarter of a statute acre let or intended to be let for cultivation by an individual for the production of vegetables mainly for

bheith aige as agus a bhfurmhór do bheith len 'ithe aige féin agus agá chúram;	consumption by himself and his family;
As ‘statutory’	
REACHTAÍOCHT: ACHT TALMHAN, 1927 GA: go bhfuil an cíós is iníoctha ag an iarratasóir ar an bpaiste talmhan nea- thionóntuithe có-ionann leis an gcíós no níos mó ná an cíós a bheadh in oipineon Choimisiún na Talmhan ina chothrom- chíos ar na tailte a dhineann suas an paiste dá mbeadh an céanna le linn rithte an Achta Talmhan, 1923, ina ghabháltas a bhí i seilbh an iarratasóra mar thionónta reachtúil ar an ngabháltas san fé réir chíosa bhreithiúntais threasthéarma;	LEGISLATION: LAND ACT, 1927 EN: that the rent payable by the applicant in respect of the parcel of untenanted land is equal to or exceeds what in the opinion of the Land Commission would have been the fair rent of the lands comprised in the parcel if the same had at the passing of the Land Act, 1923, constituted a holding held by the applicant as a statutory tenant thereof subject to a third term judicial rent;

Not only is the employment of ‘reachtúil’ terminologically consistent in *Rannóg* translated legal material, but it is in keeping with the EN and GA terms given in TD, and all examples pertain specifically to statute law, as per our legal definition of ‘statutory’ as ‘prescribed, authorized or recognized by statute’. A fourth GA term which was a consistent feature in our EN-GA dictionaries when searching for ‘legal’ and ‘lawful’ was ‘dlisteanach’, for which TD gives ‘legitimate’. There are not, however, any instances of ‘dlisteanach’ in the corpus – merely four instances of ‘mí-dhlisteanach’ in two different acts, which all translations of ‘illegitimate child’. Thus, again, *Rannóg* translations are consistent in their employment of this term in the corpus, and the GA term chosen in keeping with that given in TD.

In order to fully assess the use of these terms in not only a national, but international, context, it is necessary to investigate how they are employed in European legislation:

‘Dlíthiúil’ in EU & secondary legislation	
As ‘legal’	
REACHTAÍOCHT: AN tACHT UM AN DLÍ SIBHIALTA (FORÁLACHA ILGHNÉITHEACHA), 2011 GA: (c) go bhfuil sé nó sí i dteideal iarratas ar chomhairle dlí agus ar chúnamh dlíthiúil a dhéanamh faoin Acht um Chúnamh Dlíthiúil Sibhialta, 1995.	LEGISLATION: CIVIL LAW (MISCELLANEOUS PROVISIONS) ACT, 2011 EN: (c) that he or she is entitled to apply for legal advice and legal aid under the Civil Legal Aid Act 1995.
As ‘lawfully’	
REACHTAÍOCHT: Rialachán (CE) Uimh. 299/2008²¹⁶ GA: Ní bheidh feidhm ag ceanglais Chaibidil III i leith táirgí arna dtáirgeadh go dlíthiúil sa Chomhphobal nó arna n-allmhairiú go dlíthiúil isteach sa Chomhphobal roimh an dáta dá dtagraítear sa dara mír d'Airteagal 50.	LEGISLATION: Regulation (EC) No 299/2008²¹⁷ EN: The requirements of Chapter III shall not apply to products lawfully produced or imported into the Community before the date referred to in the second paragraph of Article 50.
As ‘legally’	
REACHTAÍOCHT: AN tACHT UM CHEARTAS COIRIÚIL (CIONTA GADAÍOCHTA AGUS CALAOISE), 2001 GA: — le sraonadh sochair arna fháil go dlíthiúil ar a bhfuil an éifeacht	LEGISLATION: CRIMINAL JUSTICE (THEFT AND FRAUD OFFENCES) ACT, 2001 EN: — misapplication of a legally

²¹⁶ Full title: *Rialachán (CE) Uimh. 299/2008 ó Pharlaimint na hEorpa agus ón gComhairle an 11 Márta 2008 lena leasaítear Rialachán (CE) Uimh. 396/2005 maidir le huasleibhéil iarmhar lotnaidicídí i mbia agus i mbeatha nó ar bhia agus ar bheatha i ndáil leis na cumhachtaí cur chun feidhme arna dtabhairt don Choimisiún.*

²¹⁷ Full title: Regulation (EC) No 299/2008 of the European Parliament and of the Council of 11 March 2008 amending Regulation (EC) No 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin, as regards the implementing powers conferred on the Commission.

chéanna.	obtained benefit, with the same effect.
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Of note in the first example above is the alternate use of ‘dlí’ *and* ‘dlíthiúil’ in translating ‘legal’ - ‘comhairle dlí’ for ‘legal advice’ and ‘cúnamh dlíthiúil’ for ‘legal aid’. While, as previously outlined, both ‘dlí’ and ‘dlíthiúil’ are appropriate translations of legal meaning ‘of or pertaining to law’ – as is the case here – it is peculiar that the same term in the same context would be translated in two separate ways in the same sentence. This differentiation in terminology would appear to suggest that the terms contrast semantically, meaning that ‘dlíthiúil’ in this case would have to mean ‘according or not contrary to the law’. This is not, however, the meaning of ‘legal’ in ‘legal aid’ and, as such, it would be more appropriate to adhere to the same Irish legal term in the one piece of legislation in order to avoid confusion. Finally, we see that ‘go dlíthiúil’ comes up twice in the examples above; once as ‘legally’ and once as ‘lawfully’. We may assume that these intersect at the point of semantic overlap in ‘legal’ and ‘lawful’, meaning ‘according or not contrary to the law’, and are thus semantically equivalent. As regards the use of these GA terms in European legislation, it is pertinent to investigate how ‘dleathach’ has been employed by EU translators:

‘Dleathach’ in EU & secondary legislation	
As ‘legally’	
REACHTAÍOCHT: Rialachán (AE) Uimh. 995/2010²¹⁸	LEGISLATION: Regulation (EU) No 995/2010²¹⁹

²¹⁸ Full title: *Rialachán (AE) Uimh. 995/2010 ó Pharlaimint na hEorpa agus ón gComhairle an 20 Deireadh Fómhair 2010 lena leagtar síos oibleagáidí na n-oibreoirí a chuireann adhmaid agus táirgí adhmaid ar an margadh*

²¹⁹ Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market Text with EEA relevance

GA: (a) tá pearsantacht dhlítheanach aici agus tá sí bunaithe go dleathach laistigh den Aontas;	EN: (a) it has legal personality and is legally established within the Union;
As ‘legal’	
REACHTAÍOCHT: Rialachán (CE) Uimh. 810/2009²²⁰ GA: i bpointe (m) cuirfear na focail "athair agus máthair" in ionad "údarás tuismitheora nó caomhnóir dleathach "	LEGISLATION: Regulation (EC) No 810/2009²²¹ EN: in point (m), the words "father and mother" shall be replaced by "parental authority or legal guardian";
As ‘lawfully’	
REACHTAÍOCHT: AN tACHT UM IASCACH INTÍRE, 2010 GA: Daoine a bheidh ag iascaireacht go dleathach a chosc.	LEGISLATION: INLAND FISHERIES ACT, 2010 EN: Obstructing persons lawfully fishing.
As ‘lawful’	
REACHTAÍOCHT: ACHT NA mBÓITHRE, 1993 GA: Aon duine a dhéanfaidh, gan údarás dleathach nó gan toiliú ó údarás bóithre—	LEGISLATION: ROADS ACT, 1993 EN: Any person who, without lawful authority or the consent of a road authority—

While in the above examples ‘dlíthiúil’ and ‘dleathach’ are variably employed as ‘legal’, ‘lawfully’, ‘legally’, and ‘lawful’, all relate to the semantic intersection of these terms as ‘according or not contrary to law’ and are thus appropriate translations of the English. The first of our GA terms emanating from our lexicographical search for ‘legal’ and ‘lawful’, ‘reachtúil’ appears in European legislation as follows:

²²⁰ Full title: *Rialachán (CE) Uimh. 810/2009 ó Pharlaimint na hEorpa agus ón gComhairle an 13 Iúil 2009 lena mbunaítear Cód Comhphobail maidir le Viosaí.*

²²¹ Full title: Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

‘Reachtúil’ in EU & secondary legislation	
As ‘statutory’	
<p>REACHTAÍOCHT: Rialachán (AE) Uimh. 537/2014²²²</p> <p>GA: i gcás go bhfuil socruithe déanta ag an iniúchóir reachtúil nó ag an ngnólacht iniúcháireachta go ndéanfaidh iniúchóir reachtúil nó gnólacht iniúcháireachta eile nach bhfuil ina chomhalta nó ina comhalta den líonra céanna aon cheann dá ghníomhaíochtaí nó dá gníomhaíochtaí, nó go bhfuil úsáid bainte aige nó aici as saineolaithe seachtracha, déanfaidh an tuarascáil an fíoras sin a léiriú agus daingneofar inti go bhfuair an t-iniúchóir reachtúil nó an ngnólacht iniúcháireachta daingniú ón iniúchóir reachtúil eile nó gnólacht iniúcháireachta eile agus/nó ón saineolaí seachtrach maidir lena neamhspleáchas;</p>	<p>LEGISLATION: Regulation (EU) No 537/2014²²³</p> <p>EN: where the statutory auditor or the audit firm has made arrangements for any of his, her or its activities to be conducted by another statutory auditor or audit firm that is not a member of the same network, or has used the work of external experts, the report shall indicate that fact and shall confirm that the statutory auditor or the audit firm received a confirmation from the other statutory auditor or audit firm and/or the external expert regarding their independence;</p>

²²² Full title: *Rialachán (AE) Uimh. 537/2014 ó Pharlaimint na hEorpa agus ón gComhairle an 16 Aibreán 2014 maidir le ceanglais shonracha a bhaineann le hiniúcháireacht reachtúil ar eintitis leasa phoiblí agus lena n-aisghairtear Cinneadh 2005/909/CE ón gCoimisiún (Téacs atá ábhartha maidir leis an LEE).*

²²³ Full title: Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC Text with EEA relevance.

As ‘imperial’	
REACHTAÍOCHT: Ionstraimí Reachtúla: 1980	LEGISLATION: Statutory Instruments, 1980
GA: (a) i gcás sicíní a dhíoltar de réir mheáchain reachtúil -	EN: (a) in the case of chickens sold by imperial measure—

As was the case in our corpus, ‘reachtúil’ has been employed consistently in European legislation as its given GA-EN term in TD, ‘statutory’, and is thus the GA term is well established as the appropriate legal term for ‘statutory’ in both Irish and European legislation. In one instance, however, ‘reachtúil’ is employed as ‘imperial’ as per the second example above. While ‘reachtúil’ is not a given term for ‘imperial’ on EID, this use of the term is supported by *tearma.ie*, which gives ‘méid reachtúil’ as ‘imperial size’ in the domain of education. To this end, therefore, the second example above does not give ‘reachtúil’ in a legal context, and may be disregarded as any sort of terminological anomaly. As regards the second of our GA terms to emerge from our EN-GA dictionary search for ‘legal’ and ‘lawful’, ‘dlísteanach’, this term appears in European legislation as follows:

‘Dlísteanach’ in EU & secondary legislation	
As ‘justifiable’	
REACHTAÍOCHT: Rialachán (CE) Uimh. 450/2008²²⁴	LEGISLATION: Regulation (EC) No 1370/2007²²⁵
GA: I bhfianaise na ndifríochtaí atá idir na bealaí a n-eagraíonn Ballstáit a gcríocha ina leith sin, féadfar a cheadú go dlísteanach d’údaráis inniúla	EN: Given the differences in the way Member States organise their territory in this respect, competent authorities may justifiably be allowed to award public

²²⁴ Full title: *Rialachán (CE) Uimh. 450/2008 ó Pharlaimint na hEorpa agus ón gComhairle an 23 Aibreán 2008 lena leagtar síos Cód Custaim an Chomhphobail (Cód Custaim Nuachóirithe).*

²²⁵ Full title: Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70.

conarthaí seirbhíse poiblí a dhámhachtain go díreach do thaisteal d'iarnród.	service contracts directly for railway travel.
As 'legitimate'	
REACHTAÍOCHT: Rialachán (AE) Uimh. 596/2014²²⁶ GA: D'fhonn toirmeasc neamhaireach a chur ar fhoirmeacha gníomhaíochta airgeadais atá dlisteanach a sheachaint, eadhon nuair nach bhfuil aon éifeacht ar dhrochúsáid mhargaidh, tá sé riachtanach iompar dlisteanach ar leith a aithint.	LEGISLATION: Regulation (EU) No 596/2014²²⁷ EN: In order to avoid inadvertently prohibiting forms of financial activity which are legitimate , namely where there is no effect of market abuse, it is necessary to recognise certain legitimate behaviour.
As 'lawful'	
REACHTAÍOCHT: Togra le haghaidh RIALACHÁIN Ó PHARLAIMINT NA hEORPA AGUS ÓN gCOMHAIRLE maidir le Gníomhaireacht an Aontais Eorpaigh um Chomhar agus Oiliúint na Seirbhísí Forfheidhmithe Dlí (Europol) agus lena n-aisghairtear Cinneadh 2009/371/CGB agus Cinneadh 2005/681/CGB GA: Beidh sé de cheart ag aon duine is ábhar do na sonraí iarraidh ar Europol sonraí pearsanta a bhaineann leis/léi a	LEGISLATION: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Union Agency for Law Enforcement Cooperation and Training (Europol) and repealing Decisions 2009/371/JHA and 2005/681/JHA EN: Any data subject shall have the right to ask Europol to erase personal data relating to him/her, if they are no longer

²²⁶ Full title: *Rialachán (AE) Uimh. 596/2014 ó Pharlaimint na hEorpa agus ón gComhairle an 16 Aibreán 2014 maidir le drochúsáid mhargaidh (an rialachán maidir le drochúsáid mhargaidh) agus lena n-aisghairtear Treoir 2003/6/CE ó Pharlaimint na hEorpa agus ón gComhairle agus Treoracha 2003/124/CE, 2003/125/CE agus 2004/72/CE ón gCoimisiún Téacs atá ábhartha maidir leis an LEE.*

²²⁷ Full title: Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC Text with EEA relevance.

<p>scriosadh, mura bhfuil siad ag teastáil a thuilleadh do na cuspóirí ndéantar iad a bhailiú go dlisteanach nó a ndéantar tuilleadh próiseála dlisteanáí orthu lena n-aghaidh.</p>	<p>required for the purposes for which they are lawfully collected or are lawfully further processed.</p>
As ‘legal’	
<p>REACHTAÍOCHT: Rialachán (AE) 2015/848²²⁸</p> <p>GA: I gcás go mbeadh díscáileadh an duine dhlítheanaigh nó na cuideachta i gceist le himeachtaí dócmhainneachta a bhaineann le duine dlisteanach nó le cuideachta i mBallstát oifig chláráithe an duine sin nó na cuideachta sin, ní bheidh deireadh leis an duine sin nó leis an gcuideachta sin go dtí go mbeidh clabhsúr ar aon imeachtaí dócmhainneachta eile a bhaineann leis an bhféichiúnaí céanna nó go mbeidh toiliú tugtha ag an gcleachtóir dócmhainneachta, nó ag na cleachtóirí dócmhainneachta sna himeachtaí sin don díscáileadh.</p>	<p>LEGISLATION: Regulation (EU) 2015/848²²⁹</p> <p>EN: Where insolvency proceedings concerning a legal person or a company in the Member State of that person's or company's registered office would entail the dissolution of the legal person or of the company, that legal person or company shall not cease to exist until any other insolvency proceedings concerning the same debtor have been closed, or the insolvency practitioner or practitioners in such proceedings have given consent to the dissolution.</p>

Where ‘dlisteanach’ appeared consistently in the corpus as ‘mí-dhleathach’ – ‘illegitimate’ - without deviance and in concurrence with the given terms in TD, in European translated legislation its employment is much less consistent, and introduces its usage not only as ‘legal’ and ‘lawful’, but also as ‘justifiable’. OED

²²⁸ Full title: *Rialachán (AE) 2015/848 ó Pharlaimint na hEorpa agus ón gComhairle an 20 Bealtaine 2015 maidir le himeachtaí dócmhainneachta.*

²²⁹ Full title: Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings.

defines ‘legitimate’, as previously outlined, as ‘1. Conforming to the law or to rules; sanctioned or authorized by law or right principles; lawful; proper’, and ‘justifiable’ as ‘Able to be legally or morally justified; able to be shown to be just, righteous, or innocent’. In the context of the use of ‘dlisteanach’ in translating ‘justifiable’ as per the example above, therefore, the term commonly understood as ‘legitimate’ has taken on another interpretation in a legal context. The use of ‘dlisteanach’ as ‘legal’ and ‘lawful’, in both cases, appears in the context of their shared meaning of that which is ‘according or not contrary to law’. ‘Legitimate’ is defined in *Collins Dictionary of Law* as ‘authorized, sanctioned by, or in accordance with law’, and thus also intersects with this shared definition of ‘legal’ and ‘lawful’. Of note in our final example, where ‘legal’ is translated as ‘dlisteanach’, is that ‘legal person’ has been translated in two separate ways in the one section – ‘duine dhlítheanaigh’ and ‘duine dlisteanach’. While in the first example the adjective is in the genitive form, ‘dlítheanach’ is a term which had not thus far emerged in the analysis. ‘Dlítheanach’ is not a given term in FGB or Dinneen, yet it is employed in EN-GA legislative material translated by *an Rannóg*²³⁰ and European institutions. Each example thereof pertains to ‘legal persons’, and it is questionable as to why translators felt that this could not be covered by using ‘dlisteanach’ as in the example highlighted above. Thus, while the EN legal terms certainly intersect semantically at varying points in a legal domain, their employment in Irish language translated legislative material could perhaps be aided by the employment of one GA term for one EN term as given in TD, in order to aid legal understanding by the GA text reader.

²³⁰ In Acts number 37/2006, 2/2005, 50/2001, 52/1998, 38/1997: only 37/2006 and 52/1998 of which are available in English on achtanna.ie.

Conclusion

CONCLUSION

Introduction

The extent of *Rannóg an Aistriúcháin*'s impact on the modern Irish language is not easily articulated. Their role as regards language revival and renewal, modernization and standardisation of the language, their sheer body of translation work and, most relevant to the current study, the creation of a legal language and terminology in Irish, was absolutely central. However, as Cronin (1996: 199-200) states:

‘Translation is never without consequences. One of the failures of the Revivalist movement in post-Independence Ireland was to assume that translation was transparent, that a natural ability to speak and write in Irish lay below the thin anglicised veneer of the translated Irish.’

The employment of the Irish language in a legal domain, and all the tailoring and toil that comes with such a responsibility – particularly under considerable time constraints – was a task whose results were never going to be flawless. What is of note, however, is that in almost a century of English-Irish translation of legislative material in the *Oireachtas*, the extent of these ‘consequences’ has never been critically examined. This study of EN-GA legal translation has revealed disparity between different sources of Irish language legal terminology, and issues regarding the dissemination of these terms. Inconsistencies occur not only within published terminological sources, but also from institution to institution and within the legislation itself – evidence of which has been found in the samples chosen from the corpus. The efficacy of *Rannóg* translations may not be examined, it appears, with the same rigour as that of European legislation, leading to a certain degree of terminological inaccuracy within the translated material, and Equivalence translation theory appears somewhat ill-fitting in the context of EN-GA legal translation.

Terminological Disparity

One primary issue revealed in the background research and in the analysis was the frequency of terminological disparity not only between different institutions and sources of GA legal terminology, but within the corpus and legislation itself. One legal term in English has been translated in various different ways in Irish in different sources and in different legislative texts and, in other cases, the same Irish

term has been utilised for numerous different terms in English. This duplication in terminology became a particular issue upon the establishment of the Irish Free State, due to the demands of implementing the Irish language in all areas of legal, administrative, and educational life, and the sheer volume of terminological work this required - as is highlighted in the preface of EID:

‘The ways in which these demands have been met, during a period of abnormal development in the language, have created certain problems for the lexicographer. A new word has sometimes been coined where an equivalent [...] was already well established in traditional speech [...] Such unnecessary coinings have not been included here.’

While de Bhaldraithe has seemingly made a conscious effort to avoid duplicates, a terminological disconnect exists between EID and *Téarmaí Dlí*. Despite being published in the same year, EID did not incorporate all of the terms in TD; nor did FGB almost twenty years later. This has been evidenced in the analysis, where *Téarmaí Dlí* does not give any entry for ‘suspicion’, ‘suspicious’, or ‘suspect’, yet EID gives ‘amhras’ alone as the translation equivalent of ‘suspicion’. As O’Rourke (2014: 267) suggests, ‘Ideally the new official terms would have been included in both dictionaries with a special indication that they were authenticated legal terms. Some are indeed included but without any particular reference to their provenance, while other terms are ignored and an alternative proposed’. While the primary aim of dictionaries is to provide descriptions and alternatives based on the entire semantic range of a word or term, as opposed to acting as a source of domain-specific terminology, the fact that the official EN-GA/GA-EN lexicographical sources of the time did not acknowledge or incorporate official Irish language legal terminology left legal terms lacking currency and status. Furthermore, both EID and FGB employ the abbreviation for jurisprudence, *jur*, alongside terminology which has no official legal standing, or omits the use of the abbreviation on those official legal terms employed in TD. The analysis of our ten legal terms has revealed terminological disparity and overlap within *Téarmaí Dlí* itself; one example being where TD gives ‘toirmeasc’ for both ‘prohibit’ and ‘inhibit’, and ‘dlíthiúil’, ‘dlí’, and ‘dleathach’ as a translation equivalents of ‘legal’, despite employing ‘dleathach’ alone for ‘lawful’.

It has already been noted that TD has long been outdated, published sixty years ago and never re-issued, amended, expanded, or supplemented. No direction was given in the publication as to how to employ the terms given in a legal domain and there was, on the whole, a complete absence of litigation through Irish at this time, meaning that the terms were not tested in court (Ó Ruairc, 1997: 96). A further criticism of TD is that, having been based solely on only ten acts, it is neither sufficiently comprehensive nor modern to use as a terminological basis for English-Irish legislative translation, yet it is the only official publication of translated legal terms to date. Furthermore, the analysis has revealed that TD is neither entirely in keeping with *Focal sa Chúirt* which, while it is not an official source of GA legal terminology in the sense that it was not compiled by *Rannóg* translators, O'Rourke (2014: 282) suggests that 'it is in the public domain and that alone confers an authority because it has the merit of filling a gap in essential terminology'. Having been submitted in its earliest inception to *An Coiste Téarmaíochta*, *Focal sa Chúirt* was refused consideration on the basis that legal terminology was the exclusive preserve of *Rannóg an Aistriúcháin* and it is, as such, neither a totally reliable nor authoritative source of legal terminology. Having been denied the expert attention of *An Coiste Téarmaíochta*, it was published in 1997 without having been sufficiently scrutinized, and thus provides another conflicting source of legal terminology in Irish. Despite their apparent persistent adherence to precedent, there also exists terminological discrepancies within *Rannóg* translated legislation within the corpus – as evidenced, for example, in the employment of 'cosc' all at once for 'prohibit', 'prevent', 'obstruct', 'hinder', and 'preclude' – and, as such, inconsistencies in sources of legal terminology may feasibly stem from the legislation itself.

Terminological irregularities also occur from institution to institution, one of which being between *Rannóg an Aistriúcháin* and *an Coiste Téarmaíochta*. Having produced such an extensive body of EN-GA translations, the *Rannóg* have similarly coined a vast number of Irish language terms. As Mac Lochlainn (2007: 1) has highlighted, however, 'The problem for translators and others who wish to utilise this vast resource is the significant disparity between the terms favoured by the *Rannóg* and those prescribed by the *Coiste Téarmaíochta*', adding that 'in all commentaries on Irish terminology there is a marked tendency to underestimate the differences

between the two institutions'. While the *Rannóg*, in an attempt to minimize such disparity, has representation on the Steering Committee of *an Coiste Téarmaíochta*, the department's rigid adherence to precedence as opposed to modernising the terminology employed has led to further terminological disconnect, as Mac Lochlainn (*ibid*) describes:

‘While the common Irish term for ‘parking’ is simply *páirceáil*, the *Rannóg* persists with *locadh*, the term originally used in the Road Traffic Acts. The highly specialized nature of legislative translation further militates against a 100% match between the terms favoured by the *Rannóg* and the CT.’²³¹

Despite *Rannóg's* sustained and admirable efforts to adhere to terminological precedent, as evidenced in the corpus there exists terminological discord not only between *Rannóg an Aistriúcháin* and other institutions, but within the acts themselves, as highlighted above. Mac Lochlainn (*ibid*) gives a further example of this by giving the example of a student who searched for ‘ancillary order’ on www.achtanna.ie and was met with ‘fo-ordú’, ‘fó-ordú’, ‘ordú foghabhálach’ and ‘ordú coimhdeach’, adding that ‘those three terms and their variants come from within the *Rannóg's* own corpus of translations. Other dictionaries yielded further variants on the same theme, such as ‘fo-órdú cúntach’ in *Focal sa Chúirt* by Leachlainn S. Ó Catháin (2001)’. Discrepancies exist not only within *Rannóg* translated legislation, but similarly between legal translations produced by *an Rannóg* and the European institutions, as was repeatedly evidenced in the corpus - one example being where ‘doubt, question, or dispute’ is translated in European legislation as ‘gach dabht, ceist nó díospóid’, despite being translated as ‘gach amhras, ceist, nó aighneas’ in the Local Government Act, 1933 by *an Rannóg*. Upon the Republic of Ireland’s entry into the European Community in 1972, the Irish language acquired a unique status as a ‘treaty language’ of the EU, meaning that full translation into Irish was only required for core documents such as treaties, while all other translations and interpretations were performed on an *ad hoc* basis. Adding to the inherent terminological inconsistency which already existed in Irish at this time, the infrequent demand for translation into Irish meant further discrepancies within Community translations. Experts in the fields of law and linguistics in the European

²³¹ Italics added.

Union are, however, working to remedy this, because, as O'Rourke (2014: 282) says, 'of the realisation that discrepancies undermine the uniform application of Community law'. As has been highlighted in the Introduction and in Chapter One, those in Fiontar are also working with the European institutions on the GA IATE project in order to rectify such terminological issues on a European level. To this end, the European institutions have introduced a 'Legal Taxonomy Syllabus' – a tool used to build multilingual conceptual dictionaries in order to represent and analyse terminologies and concepts from European Union Directives, based on the distinction between terms and concepts and with the aim of preventing semantic obscurities in legal language in the official languages of the European Union. The current state of Irish language legal terminology, however, does not lend itself to avoiding such ambiguity, as O'Rourke (*ibid*) emphasises:

'If Irish is to participate meaningfully in this programme [the Legal Taxonomy Syllabus] it will have to address the problem of the inconsistencies of expression and understanding in its own legal terms [...] A beginning could be made by identifying existing terminological variants, translation errors and material inconsistencies.'

While Fiontar, through the GA IATE project and the formation of gaois.ie, have endeavoured to make progress in this regard, they are impeded to a certain degree by the fact that a review of *Rannóg an Aistriúcháin* terminology, with a view to modernisation, has yet to take place. The example set by the European Union and the methods established by Fiontar on the GA IATE project, while not yet perfect, sets a precedent as regards scrutinising legal terminology for use in EN-GA legal translation, and is an approach which may well be beneficial in the context of legal translation in the Republic of Ireland.

The incongruence of the Irish terms dealt with above raises questions as to the level of equivalence not only between the Irish and English legal terms, but as to the equivalence of the laws themselves. As stated during the contemporary Dáil debate, (*Dáil Éireann*, Parliamentary Debates, Vol. xcvi, col. 1892):

'There is no difficulty about finding Irish translations for technical terms, but, on account of the very nature of technical terms, a dispute may arise as to whether any particular translation conveys the technical meaning assigned to the original English term'.

O'Rourke (2014: 270-271) describes this issue as indicating 'that the English term is so clear that the only requirement for the Irish term is agreement that it corresponds precisely to the English term... words which are semantically similar in the two languages do not necessarily function syntactically in the same way, and vice versa.' This is, perhaps, the issue of coining certain legal terms in order to answer directly to the English, as opposed to achieving equivalence of meaning between the Irish term and the legal concept itself. As Cabré (2000: 37) describes, 'as a subject field with explicit premises, terminology emerges from the need of technicians and scientists to unify the concepts and terms of their subject fields in order to facilitate professional communication and the transfer of knowledge'. However, in the absence of review, the almost century-old legal terminology employed in EN-GA legal translation in the Republic of Ireland does not, in every case, fulfil this unification of term and concept described by Cabré and endeavoured by the EU's 'Legal Taxonomy Syllabus'. This, as highlighted above and in the analysis, has inevitably resulted in varying legal terminology being employed to describe the same legal concept, without necessarily understanding the true meaning of such a term in a legal domain. This hints at a need for terminological consistency and, perhaps, an official assessment or review of *Rannóg an Aistriúcháin* translations in order to ensure semantic congruity between the English and Irish legislative texts.

Efficacy of legal terminology in Irish

Ó Ruairc (2007: 14) has suggested that the efficacy of *Rannóg* translated Irish language legal texts has never been examined, as 'there has been no controversy regarding any translations prepared, nor has it ever been shown that anyone has been reading those legal documents'²³² and, given the level of terminological disparity between the English and Irish translated legislative material in the corpus, this would appear to hold some weight. This is particularly problematic given the primary status afforded to the Irish language versions of legislative texts in the Republic of Ireland in the 1937 Constitution, as the translations which are becoming legally superior may

²³² 'Tá an reachtaíocht á haistriú go Gaeilge sa Dáil ó bunaíodh an Stát. Ach níor tharla aon chonspóid de bharr aistriúcháin a rinneadh nó níor tugadh le tuiscint riamh go raibh na cáipéisí dlí sin á léamh ag éinne'.

not be being held to a sufficient degree of rigorous analysis. Indeed, O'Rourke (2014: 283) ascertains that, regarding the paramountcy of accurate expression and interpretation in the context of legal proceedings, 'it is important to remember how much linguistic analysis has been carried out in the English language over the last 50 years and how much remains to be done, whereas Irish has been the subject of practically no analysis'. While the 1937 Constitution of Ireland has been critically and semantically assessed by Ó Cearúil, and European legislation examined and edited by highly-trained translators, lawyer-linguists, and academics (such as in the GA IATE project), there is little evidence that same rigour has not been applied to *Rannóg* translations. As current Chief Translator, Vivian Uíbh Eachach, describes:

‘With regard to our approach to the work, we usually give an entire Act to the translator, and to the editor at the next stage, except where the Act is particularly long. In that case, we break the Act into pieces and process it like that. The staff work to an agreed rate of production.’²³³

An example of a more rigorous approach to EN-GA translation of legal terminology is that spearheaded by the GA IATE project, the approach to which involves ‘three levels of editorial research, on-line collaboration with Irish language EU translators and validation from *Foras na Gaeilge* in Ireland through its national Terminology Committee’ (Bhreathnach et al, 2013: 4). A report back as to the quality, relevance and range of the GA terminology is provided by the linguistic staff of the European institutions who employ these terms, in order that the Irish language is being subjected to the same rigour and held to the same high standards as the other 23 official working languages of the European Union. Those working on the European GA terminology project specify ‘maintaining good communication between all partners’ as ‘a constant priority on such a complex project’ (*ibid*: 5). In *Rannóg an Aistriúcháin*'s case, however, the primary aim of producing a final product in a timely fashion has meant that they have not been afforded much opportunity to foster

²³³ ‘Maidir leis an gcur chuige oibre a bhíonn againn, is nós linn Acht iomlán a thabhairt don aistritheoir, agus don eagarthóir ag an gcéad chéim eile, ach amháin i gcás gur Acht fada a bheidh i gceist. Sa chás sin, déanaimid an tAcht a ghiotú ina chodanna agus é a phróiseáil mar sin. Oibríonn an fhoireann de réir ráta táirgiúlachta chomhaontaithe’ - Email correspondence with Vivian Uíbh Eachach, dated 11.04.14.

the same working relationships with other institutions, aside from occasional representation on terminology committees. There are two primary factors at play here: firstly, *Rannóg's* procedural adherence to set terminological precedent laid down almost a century ago and, secondly, confusion as to who exactly is responsible for official legal terminology. As regards the former – whilst not explicitly specifying *Rannóg an Aistriúcháin* – Nic Pháidín (in Bhreathnach 2011: 164) states that:

‘any process that's been going on for so long, really since the foundation of the State, invariably [...] in these situations you can get a build- up of resistance to change because people are doing things the way they did them for so long and that in principle is something that you need to be aware of when you're developing new policies and work methods.’

Adherence to terminological precedent, on paper, is the preferred approach to translating legislative material into Irish: it allows for consistency within Acts and secondary legislation, one Irish legal term for one legal concept, and maintains a link between modern Irish language legislation and that translated upon the foundation of the state. However, the reality of the situation is quite different. Despite adherence to precedent, the corpus has revealed the same Irish terms being employed for different legal concepts, or the same legal term translated in various different ways. This terminology in a legal domain is almost a century old, and is no longer entirely in keeping with that of other terminological institutions – nor that of the European institutions, whose GA legal terminology is subject to rigorous analysis. While it has been *Rannóg's* belief that legal terminology is the sole preserve of their arm of government, upon the establishment of *Foras na Gaeilge* in 1999, it is *Foras* who have been legally responsible for terminology. Ó Briain²³⁴ notes that, as regards responsibility for legal terminology in Irish:

‘There isn't a question. The legislation says that *Foras na Gaeilge* is responsible for terminology. There is a separate body which is unaccountable to the government which translates legislation and

²³⁴ Former principal of Irish language policy in the Department of Community Rural and Gaeltacht Affairs, with responsibility for Irish policy including issues relating to Irish in the European Union, and also oversight of *Foras na Gaeilge*.

which regards itself as having responsibility for keeping the standards of the language and for the official standard and so on. The Government has decided that that is not the case [...] So there is an unresolved issue which is to do with institutional jealousies, and that sort of personal things which go on, which is unfortunate, and if we were starting again we'd try and make the landscape a little bit neater but that's where we are.'

Nic Pháidín (*ibid*: 164) describes this as 'an administrative, territorial issue' which has become more salient since the 2007 elevated status of Irish within the European Union. The obvious answer to this, it would appear, would be to enforce increased cooperation and collaboration between those institutions involved in EN-GA legal translation and terminology, with an aim of streamlining the administrative structures and standardizing the legal terminology in a manner similar to the recent updating of the official orthographical and grammatical standard. Without a set official, accredited legal terminology in Irish which is employed throughout all institutions – *Rannóg an Aistriúcháin*, the European institutions, and *an Coiste Téarmaíochta* alike – Irish language legal translation and terminology is doomed, at least at a national level, to remain inconsistent and outdated. With the movements being made at a European level to ensure terminological consistency and equivalence of meaning, there is the danger that if the same approach is not followed in the context of EN-GA legal translation in the Republic of Ireland, that there will be further discrepancies between Irish and European legislation, with the latter becoming ever more advanced and streamlined. As highlighted in Chapter Two, two of Wüster's principal objectives (in Cabré 2003: 173) were:

'To eliminate ambiguity from technical languages by means of standardization of terminology in order to make them efficient tools of communication; – To convince all users of technical languages of the benefits of standardized terminology.'

Univocity in meaning of terminology being paramount in the context of legal proceedings, there have been minor developments in this regard in the *Rannóg*, who are working towards the incorporation of translation glossary software to bring

secondary legislation²³⁵ in line with the primary legislation translated by *Rannóg an Aistriúcháin*, as current Assistant Chief Translator, Anne Marie Dowling describes:

‘Since the translation facility which we have at the minute is not suitable for Statutory Instruments (as they come from so many different departments, etc.), they are now looking at bringing in translation software which is based on translation memory, in order to sort [the terms]’²³⁶

This is certainly a positive step at an institutional level, which would be enhanced tenfold by greater, enforced cooperation between terminological institutions, working towards an overall standardised Irish legal terminology.

Dissemination of terminology

Not only is the standardisation of Irish language legal terminology required, but in order that these standardised terms may be fully understood and implemented, they must first be sufficiently disseminated, as O’Rourke (2014: 266) describes:

‘Legal terms normally involve at least three complementary phases: provision, dissemination and use. The story of legal terms in Irish is one of missed opportunities. If terms are devised but not used, they lapse.’

This has been an issue thus far, particularly as regards the dissemination of Irish language terminology employed in legislation translated by the *Rannóg*. The publication of *Tearmaí Dlí* – itself an imperfect and far from comprehensive publication – failed to mark the beginning of appropriate dissemination of official Irish language legal terminology, and the opportunity to expand on its contents has been a missed opportunity in the field of EN-GA legal translation. While *Rannóg an Aistriúcháin* have been working diligently towards a final product, they may not have fully considered the significant impact of their work on the language and on legal translation and terminology in particular. While, as Ó Casaide (1997: 45) has

²³⁵ Which has, since the early 1980s, been translated by freelance translators.

²³⁶ ‘Ó nach bhfuil an áis aistriúcháin atá againn oiriúnach le haghaidh Ionstraimí Reachtúla (toisc go dtagann siad ón iliomad Ranna éagsúla, etc), táthar ag breathnú anois ar bhogearraí aistriúcháin atá bunaithe ar chuimhne aistriúcháin a thabhairt isteach chun iad sin a phróiseáil’ – Email correspondence with Anne Marie Dowling, dated 25.05.15.

contended, *Rannóg an Aistriúcháin* is ‘not a service for the public’²³⁷, the fact remains that their translations are *for* the public, and impact *upon* the public and, as such, their terms should be shared *with* the public. While, as highlighted, the European institutions have made great strides in this regard with the help of Fiontar, the terminological situation on a national level would be greatly remedied by further integration between the *Rannóg* and other terminological, legal, and academic institutions. The GA IATE project and the creation of gaois.ie have been exemplary in paving the way for the creation of a modern, rigorous approach to legal terminology for use in translation, and in making that terminology available to the public in an accessible manner. Cloke and Ó Cleircín (2010: 8), as regards the parallel corpus of EN/GA legislative material on gaois.ie, have already highlighted that:

‘Another considerable source of valuable Irish-language terms could be the translated primary legislation or Acts of the Irish Parliament. Much research and planning would be needed for this due to the large volume of data involved. When completed, this new batch of terms should provide an interesting opportunity to study the development of legal terminology in Irish.’

While gaois.ie does not currently incorporate primary legislation, this would be one possible means of disseminating official, standardised terminology should increased institutional cooperation be enforced. Another feasibility would be the production and publication of an English-Irish legal dictionary, containing streamlined, official terminology employed in both national and international law, which would be particularly beneficial in post-derogation EN-GA legal translation in Europe.

Equivalence theory and legal translation in Republic of Ireland

As explored in Chapter Two, equivalence theory suggests that there is, at some level, a relationship between the source text and the target text which allows the latter to be considered a translation of the former. That is, that there is a relationship between the two texts, as opposed to a relationship between the two languages themselves. In the case of the current corpus, however, the balance of power in this relationship has shifted due to the provisions of Article 8 and Article 25.4.6° of *Bunreacht na*

²³⁷ ‘nach seirbhí don phobal atá ann’.

hÉireann. The precedence afforded to the Irish language translations of the English language source texts turn conventional interpretations of equivalence theory on their head. While, as Šarcevic (2000: 331) has maintained, ‘for the sake of preserving the letter of the law, legal translators have traditionally been bound by the principle of fidelity to the source text’, in the case of laws enrolled in the Republic of Ireland, the translation need not be faithful to the source, but the source faithful to the translation. While both the English and Irish texts are authoritative and legally binding, that the Irish language legislation has precedence in the case of any conflict between the two would appear to suggest that back translation would be the most reliable means of ensuring that the English text answers that of the Irish. This approach, where the translated text is taken and rendered back into the source language in order to then compare the two source language versions is the best test for natural equivalence, and is the method employed by Micheál Ó Cearúil in *Bunreacht na hÉireann – A Study of the Irish Text*, albeit without any theoretical underpinning. Here, Ó Cearúil has directly translated from Irish to English the various sections of the 1937 Constitution of Ireland, then compared the direct translation with the official English language version. To this end, Ó Cearúil reveals that (1999: 1) ‘almost every section of the Constitution contains divergences of some degree between the two texts... Were an official direct translation into Irish to be made today of the original English text of the Constitution, very few sections of such a translation would correspond to the existing Irish text of the Constitution.’

While Ó Cearúil has semantically analyzed translations of the 1937 Constitution as opposed to Acts of the Oireachtas as is the case in this study, the provisions for the supremacy of the sense of the Irish language versions are the same²³⁸ and, as such, so too is the rare circumstance that the target text is telling us what the source text means. For this reason, neither the acts in our corpus nor the text of the 1937 Constitution studied by Ó Cearúil are translations in the ordinary sense of the word. As regards the latter, this is also because the Irish text of the 1937 Constitution is claimed to have been prepared as the Constitution was being drafted, rather than

²³⁸ Provision is similarly made for conflict in the two texts of the Constitution (as opposed to conflict in two acts of the Oireachtas) in Article 25.5.4° of *Bunreacht na hÉireann, 1937*: ‘In case of conflict between the texts of any copy of this Constitution enrolled under this section, the text in the national language shall prevail.’

commencing with a definitive text as per the usual translation process.²³⁹ This is in some contrast with the Irish text of the 1922 Constitution of the Irish Free State, which is an acknowledged direct translation of the English - much like the acts in our corpus. Of some significance, however, is the fact that neither of the Irish versions of the 1922 nor the 1937 Constitution were prepared by *Rannóg an Aistriúcháin*, a fact criticized by Senator Hayes when speaking in Seanad Éireann in April 1945:

‘The Constitution was framed in English and translated into Irish. The only competent body was not, in fact, the body that did it. It was handed over to another body... They produced what is a very unsatisfactory document. Then the extraordinary step was taken of making the Irish, which is really a translation, and not a very good translation, the document which was valid in law. When it was seen that the thing was not satisfactory, an effort was made to bring the translation staff to the rescue.’²⁴⁰

While made in reference to the 1937 Constitution, this statement highlights the peculiarity of English-Irish legal translation as a whole. As aforementioned, Nida and Taber (1969: 12) have suggested that translation ‘consists in reproducing in the receptor language the closest natural equivalent of the source-language message’. However, while this reproduction of the source text message would have been the primary function or *skopos* of *Rannóg an Aistriúcháin* translators engaging in this work, in the current corpus, it is the English language source text which must reflect the message of the Irish language target text. In the context of EN-GA legal translation, O’Rourke (2014: 271) has highlighted that ‘certain hidden assumptions about the comparability of the two languages have yet to be examined to ascertain whether there is ever or sometimes or never equivalence of meaning’. The analysis of our ten terms in the corpus, however, has revealed semantic gaps in the rendering of English legal terms into Irish and, as such, gaps in the overall legislation. While this sample is not sufficiently comprehensive to make assertions as to the overall equivalence of the EN and GA legal texts, the fact remains that the superiority afforded to the Irish translation in the Republic of Ireland means that traditional

²³⁹ This is described by De Valera in the *Dáil Debates*, 14 June 1937, vol. 68, col. 413: ‘I want to tell those who suggest that the Irish was only an afterthought, a mere translation of the English, that the Irish drafting has gone on *pari passu* almost from the beginning’.

²⁴⁰ *Seanad Éireann Debates*, 26 April 1945, vol. 29, col. 2382.

interpretations of equivalence theory are ill-fitting in the context of EN-GA legal translation.

Equivalence theory legal translation in the European Union

The application of equivalence theory to English-Irish legal translation is not only questionable on a national level, but also internationally, as a result of the legal status of the translated laws. As one of the founding principles of the EU, multilingualism has been a daily practical concern since its establishment and, as such, EU legislation is translated into all 24 official working languages of the European Union. As one of these official languages²⁴¹, all official EU documentation must be translated into the Irish language by the end of the current derogation phase at the end of 2021. In contrast to the status afforded to English and Irish in the Republic of Ireland, all languages of the EU carry equal status. From a legal point of view, ‘all texts are deemed to be authentic and translation is a ‘means’ without ‘status’, whose existence is nowhere mentioned’²⁴² (Felici, 2008: 95). Put simply, EU legislation is translated from one text in one language to another, yet upon completion, the target text is no longer referred to or considered as a translation, but a piece of legislation in its own right which has the same status, legal permissibility and implications as the same piece of legislation in in any other language. As such, equivalence theory is arguably deficient in applicability to translated EU legislation, as the target text (insofar as the eyes of the law) is no longer a target text or translation, meaning that the relationship between source and target text has been severed by what can only be described as a technicality. Of course, translation has taken place, and as all EU legislation in all languages is considered equal – so too must it be equivalent. As (Correia, 2002: 41) describes, ‘the various language versions of the regulations and other European ‘laws’ are ‘equivalent’ in the strictest sense of the word, since they have the same legal value and can be invoked indiscriminately... by EU citizens or businesses’. Reminding ourselves of Pym’s assertion (2009: 6) that ““equi-valence” means “equal

²⁴¹ The other 23 official EU languages are Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish.

²⁴² This issue has received attention in the last two decades mostly from scholars, linguists and translators such as Correia, Kjær, Koskinen, Šarčević, Tosi and Wagner.

value””, it can be confirmed that EU legislation is equivalent at least in status and legal standing. As regards semantic equivalence, Correia (2002: 41) asserts that ‘translators well know that for linguistic and cultural reasons this equivalence can never be absolute. It can only be an approximation because... there are different degrees of equivalence. It is the translator’s job to find the best linguistic equivalences, in order to safeguard the legal equivalence of multilingual law as far as possible’²⁴³ Nonetheless, while there must be some point on the equivalence paradigm where the two texts are considered to be of equal value, as regards theoretical application, this legal detail that the translation is no longer technically a translation is something of a handicap in applying translation theory. Fidelity to source or target text are no longer a theoretical consideration as the ‘translations’ are no longer translations but the authoritative version – something of a paradox considering that all EU legal texts must be semantically equivalent. As Correia (2002: 39) explains, ‘we can postulate the principle that the different language versions will be identical, on condition that we omit the fact that translation intervenes during the legislative process’. The reasons for this, he continues (*ibid.* at 40), are that ‘in legal terms... translation is inconceivable as a stage in the legislative procedure; to admit, by making explicit provision for the fact, that translators take part in the drafting of multilingual laws would mean sharing with them the power of law-making and this is the exclusive province of the legislator’. By considering the translated EU laws as translations as opposed to authoritative versions in their own right would mean that the status of the translator has been elevated to that of legislator, explaining why such a caveat has been put in place at international level. As regards equivalence theory, however, the fact remains that, fundamentally, the nature of Irish language legal translation means that the theory is no longer working. At a national level, in defiance of current principles of equivalence theory, the source text must answer the target text rather than the other way around, and at an international level because the ‘translations’ are no longer *legally* translations. Furthermore, analysis of the corpus reveals that semantic equivalence on a

²⁴³ In this context see Yves Volman, *Entre sémantique et pragmatique. Sens et équivalences des termes figurant dans les textes juridiques communautaires rédigés en plusieurs versions linguistiques* [Between semantics and pragmatics. Meaning and equivalences of terms in Community legal texts drafted in several language versions], Doctoral thesis for the European University Institute, 1993, p.63 et seq.

terminological level does not always exist; a fact exacerbated by the level of terminological disparity between and within institutions. Equivalence theory applies to translation, and in the case of EN-GA translation on a national and international level, the translators are not creating a translation, but the authoritative version, therefore challenging the foundations of the theory, and suggesting that a reconceptualization of the relationship between source and target text is required in order to make it applicable in the domain of Irish language legal translation.

Skopos theory/Functionalism and EN-GA legal translation

As outlined in Chapter Two, the *Skopos* theory/Functionalist model purports that the *Skopos* or function of the translation is the primary factor guiding the entire translation process; ‘the transmission of the dominant function of the source text is the determining factor by which the target text is judged’ (Reiss, 1976: 20). Under this theoretical model, the function of the text is dependent largely on the text type, with legal texts falling under the ‘informative’ text type²⁴⁴ of which the primary *Skopos* is plain communication of facts. For such texts, according to Reiss (*ibid*), ‘the target text ... should transmit the full referential or conceptual content of the source text’, and, as such, it is on a terminological level that this model appears most relevant to the current analysis of EN-GA legal translation. In order that the *Skopos* may be fulfilled in translation, Vermeer speaks of ‘fidelity’, that is, that there must be coherence between (i) the source text information received by the translator; (ii) the interpretation the translator makes of this information; (iii) the information that is encoded for the target text receivers (Reiss & Vermeer, 1984: 114). Applying this framework for analysis to the study at hand, it is apparent that, at a terminological level at least, the translated legislation in our corpus does not always fulfil these criteria. The analysis has revealed occurrences where the translators of legal terms into Irish have not always been cognizant of the semantic nuances of the terms in their legal context - such as the failure to recognise the points at which the terms ‘legal’ and ‘lawful’ overlap in a legal domain and - more importantly - when they do

²⁴⁴ Reiss and Vermeer (1984: 158) state that ‘a legal text should always be assigned to the informative type because the sender does not intend to convince, to persuade or to appeal to the recipients to obey the law, rather, they are informed of the content of the law’ - (translation in Nord, 201: 143).

not. Cases such as this, therefore, equate to a failure of the translation, at a terminological and semantic level, to fulfil its function or *Skopos*.

Legal translation, after all, is a transfer of both legal and inter-lingual information, and while it is semantic in principle, it very often has communicative aspects as the texts are informative and must be fully understandable by the target language reader. In the case of the translated legal material at hand, the terms are often translated in a manner which gives the wider semantic range of the *word*, rather than assigning the specific meaning of the legal *term*. One example from the analysis is the failure on the part of the translators of Irish and European EN-GA legislation to pay due recourse to the semantic differences between theft/stealing - which *are* semantically equivalent and hold the requirement of an intention to deprive the owner of their belongings - and larceny, which holds the legal requirement of asportation. Despite such terms being assigned separate meanings in a legal domain, each can be found in the corpus as both 'goid' and 'gadaíocht', interchangeably. This is indicative of the failure to recognise that legal terms hold a different function to that of synonyms - while not identical, they must “mean” the same thing to jurists, in a legal domain. In other words, the principal *Skopos* of translating legal terminology is ensuring that the legal concept behind the specific term is carried over in such a way that it can be applied in the same sense within two different legal systems. Given the examples above and throughout the analysis, there is evidence in the corpus that this *Skopos* has not been entirely fulfilled by *Rannóg an Aistriúcháin*. This is of particular importance given that the translated text is not only legally binding, but in the case of the present corpus, the legal translations produced by *Rannóg an Aistriúcháin* take precedence over the English-language source text in the case of conflict between the two. The fact that legal terms have such a strict meaning is arguably to the benefit of the legal translator in carrying over that same message to the receptor/target audience, as there is little to no ambiguity as to the semantics of the term in a legal domain. For this reason, it must be concluded that a functional/*Skopos* orientated approach is not only applicable to legal translation as a whole, but would be the recommended theoretical approach in the context of EN-GA legal translation, particularly on the level of terminology.

Conclusion

Rannóg an Aistriúcháin and EN-GA legal translation have played a central role in establishing Irish as a modern, European language, functional in a legal domain *gan chabhair coigríche*. Almost a century on from the establishment of *Rannóg an Aistriúcháin*, and at the brink of removal of the derogation currently in place in implementing Irish as a full official working language of the European Union, it is important to reflect on what lessons can be learned from the Dublin experience during this period, and its impact on EN-GA legal translation and terminology today. The sheer body of Irish language material produced by the *Rannóg* and the impact they have had on the standardisation of the language cannot be downplayed. However, this study - through the background research and comparative analysis of terminology from the corpus - has revealed some shortcomings in *Rannóg*'s approach, which have only been cursorily referred to in previous publications to date. Those shortcomings pertain to the efficacy, consistency, and dissemination of Irish language legal terminology. This may only be remedied by the implementation of rigorous standards as to EN-GA translations produced by *Rannóg an Aistriúcháin* in a manner echoing that of the European institutions; enforcement, at Government level, of full co-operation between terminological institutions in Ireland and in Europe with a view to standardisation of GA legal terminology; and the dissemination of that standardised Irish language legal terminology in a manner which is accessible to the public, and which will be reviewed on a regular basis in order to pre-empt recurrence of these same issues. This would have an impact on the standard and efficiency of EN-GA legal translation both in the Republic of Ireland and in Europe and, feasibly, in Northern Ireland, where the current high profile campaign for Irish language legislation since the 2006 St Andrew's Agreement²⁴⁵ has played an integral role in toppling the power-sharing executive at Stormont and remains central to the ongoing political impasse. Should such statutory provision for the language in the public life of Northern Ireland be made, there is potential for this study to inform that process as regards EN-GA legal translation.

²⁴⁵ Annex B of which states that 'The Government will introduce an Irish Language Act reflecting on the experience of Wales and Ireland and work with the incoming Executive to enhance and protect the development of the Irish language.'

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Appendix

APPENDIX

The following list details the English titles of the 128 Acts dated from 1922 to 1937 which form the corpus of English/Irish translated legal material. Some Acts are broken down into separate parts (PART I, PART II etc) and therefore form different files which have been imported into the concordancer - 183 files in total. As the Acts themselves pertain to agriculture, 'Hit Words' below refers to the amount of times the term 'agriculture' occurs in each Act/File. All acts are accessible in split screen English-Irish format by searching by title or by date on www.ahtanna.ie.

List of Acts in Corpus:

1. No. 4/1937: WHALE FISHERIES ACT, 1937

Hit Words:2

2. No. 43/1937: PART I PRELIMINARY AND GENERAL

Hit Words:2

3. No. 34/1937: FISHERIES (TIDAL WATERS) (AMENDMENT) ACT, 1937

Hit Words:2

4. No. 33/1937: SEA FISHERIES (PROTECTION OF IMMATURE FISH) ACT, 1937

Hit Words:2

5. No. 23/1937: PART I PRELIMINARY AND GENERAL

Hit Words:2

6. No. 22/1937: SCHEDULE (B)

Hit Words:3

7. No. 19/1937: DAIRY PRODUCE (AMENDMENT) ACT, 1937

Hit Words:2

8. No. 18/1937: FIRST SCHEDULE

Hit Words:2

9. No. 14/1937: PART IV PROVISIONS IN RELATION TO CERTAIN ELECTION YEARS

Hit Words:4

10. No. 11/1937: WIDOWS' AND ORPHANS' PENSIONS ACT, 1937

Hit Words:2

11. No. 54/1936: PART III POWERS AND DUTIES OF THE BOARD

Hit Words:2

12. No. 53/1936: AGRICULTURAL WAGES ACT, 1936

Hit Words:6

13. No. 46/1936: LOCAL GOVERNMENT ACT, 1936

Hit Words:2

14. No. 44/1936: SALE OF FOOD AND DRUGS (MILK) ACT, 1936

Hit Words:3

15. No. 43/1936: PART I PRELIMINARY AND GENERAL

Hit Words:2

16. No. 41/1936: LAND ACT, 1936

Hit Words:5

17. No. 40/1936: PART V ESTABLISHMENT AND MAINTENANCE OF
AERODROMES BY THE MINISTER FOR INDUSTRY AND COMMERCE AND
LOCAL AUTHORITIES, AND ACQUISITION OF LAND, ETC., FOR THOSE
PURPOSES

Hit Words:3

18. No. 38/1936: NOXIOUS WEEDS ACT, 1936

Hit Words:2

19. No. 32/1936: SCHEDULE (B)

Hit Words:3

20. No. 30/1936: PART V PURCHASE AND SALE OF HOME-GROWN OATS
AND BARLEY BY THE STATE

Hit Words:2

- No. 30/1936: PART I PRELIMINARY AND GENERAL

Hit Words:2

21. No. 20/1936: FLAX ACT, 1936

Hit Words:2

22. No. 14/1936: AGRICULTURAL SEEDS ACT, 1936

Hit Words:2

23. No. 4/1935: PART IV MISCELLANEOUS AND GENERAL

Hit Words:5

24. No. 45/1935: PART II TREATMENT OF ANIMALS IN SLAUGHTER-
HOUSES

Hit Words:8

Translated

- No. 45/1935: PART I PRELIMINARY AND GENERAL

Hit Words:2

25. No. 3/1935: SALE OF FOOD AND DRUGS (MILK) ACT, 1935

Hit Words:5

26. No. 32/1935: DISEASES OF ANIMALS ACT, 1935

Hit Words:2

27. No. 29/1935: PART I PRELIMINARY AND GENERAL

Hit Words:2

28. No. 28/1935: PART II CUSTOMS AND EXCISE

Hit Words:2

29. No. 26/1935: AGRICULTURAL PRODUCE (CEREALS) ACT, 1935

Hit Words:2

30. No. 25/1935: SCHEDULE (B)

Hit Words:3

31. No. 24/1935: PART IV REGULATION OF PRICES OR, PIGS AND
CARCASSES

Hit Words:2

- No. 24/1935: PART I PRELIMINARY AND GENERAL

Hit Words:2

32. No. 22/1935: PART IX MISCELLANEOUS PROVISIONS

Hit Words:2

- No. 22/1935: PART VI SALE OF MILK FROM DISEASED ANIMALS

Hit Words:2

- No. 22/1935: PART V PREVENTION OF DISEASE LIKELY TO BE CAUSED BY INFECTED MILK

Hit Words:2

- No. 22/1935: PART IV SALE OF MILK UNDER SPECIAL DESIGNATIONS

Hit Words:3

- No. 22/1935: PART III REGULATIONS RELATION TO DAIRIES AND MILK, AND INSPECTION OF ANIMALS

Hit Words:5

- No. 22/1935: PART II REGISTRATION OF DAIRYMEN AND DAIRIES

Hit Words:2

33. No. 21/1935: PART I PRELIMINARY AND GENERAL

Hit Words:2

34. No. 15/1935: AGRICULTURAL PRODUCTS (REGULATION OF EXPORT) (AMENDMENT) ACT, 1935

Hit Words:8

35. No. 7/1934: ACQUISITION OF LAND (ALLOTMENTS) (AMENDMENT) ACT, 1934

Hit Words:8

36. No. 42/1934: PART I PRELIMINARY AND GENERAL

Hit Words:2

37. No. 41/1934: PART IX GRAIN WAREHOUSING AND GRAIN DRYING BY THE STATE

Hit Words:5

- No. 41/1934: PART VI RESTRICTION ON SALE BY HOLDERS OF MILLING LICENCES OF WHEATEN FLOUR AND FLOUR OF WHICH WHEATEN FLOUR IS A COMPONENT PART

Hit Words:2

- No. 41/1934: PART V RESTRICTION ON MILLING OF WHEAT

Hit Words:2

- No. 41/1934: PART IV PROVISIONS IN RELATION TO THE SALE AND PURCHASE OF OATS AND BARLEY, AND THE MILLING OF OATMEAL

Hit Words:6

- No. 41/1934: PART III OPERATION OF PART IV OF THIS ACT

Hit Words:3

- No. 41/1934: PART II AMENDMENT AND EXTENSION OF The Principal Act
AND THE AGRICULTURAL PRODUCE (CEREALS) (AMENDMENT) ACT,
1933

Hit Words:12

- No. 41/1934: PART I PRELIMINARY AND GENERAL

Hit Words:4

38. No. 3/1934: HORSE BREEDING ACT, 1934

Hit Words:2

39. No. 39/1934: AGRICULTURAL CO-OPERATIVE SOCIETIES
(DEBENTURES) ACT, 1934

Hit Words:2

40. No. 37/1934: PART III DISPOSITION OF TOBACCO OF EACH SEASON'S
CROP

Hit Words:2

- No. 37/1934: PART I PRELIMINARY AND GENERAL

Hit Words:2

41. No. 36/1934: PART II AMENDMENT AND EXTENSION OF THE
PRINCIPAL ACT

Hit Words:2

42. No. 34/1934: DAIRY PRODUCE (AMENDMENT) ACT, 1934

Hit Words:2

43. No. 33/1934: CREAMERY (AMENDMENT) ACT, 1934

Hit Words:2

44. No. 31/1934: FIRST SCHEDULE

Hit Words:5

45. No. 28/1934: SCHEDULE (B)

Hit Words:4

46. No. 27/1934: UNIVERSITY COLLEGE DUBLIN ACT, 1934

Hit Words:2

47. No. 25/1934: POULTRY (DISEASES) ACT, 1934

Hit Words:3

48. No. 24/1934: FISHERIES (TIDAL WATERS) ACT, 1934

Hit Words:2

49. No. 20/1934: AGRICULTURE (AMENDMENT) ACT, 1934

Hit Words:10

50. No. 16/1934: LOCAL SERVICES (TEMPORARY ECONOMIES) ACT, 1934

Hit Words:4

51. No. 13/1934: SHEEPSKIN (CONTROL OF EXPORT) ACT, 1934

Hit Words:2

52. No. 9/1933: RAILWAYS ACT, 1933

Hit Words:3

53. No. 8/1933: PART IV PROVISIONS IN RELATION TO THE RAILWAY TRIBUNAL AND APPLICATIONS TO THE RAILWAY TRIBUNAL BY CERTAIN PUBLIC BODIES

Hit Words:2

54. No. 7/1933: PART VIII WHEAT MILLING AND GRIST MILLING BY THE STATE

Hit Words:11

- No. 7/1933: PART VII RESTRICTIONS ON THE IMPORTATION OF FLOUR, BREAD, WHEAT, MAIZE MEAL AND CERTAIN FEEDING STUFFS AND ON EXPORTATION OF CERTAIN FEEDING STUFFS

Hit Words:16

- No. 7/1933: PART VI RESTRICTIONS ON SALE OF MAIZE, MAIZE MEAL AND MAIZE MEAL MIXTURE

Hit Words:2

- No. 7/1933: PART V BOUNTIES ON HOME-GROWN MILLABLE WHEAT AND RESTRICTIONS ON SALE OF IMPORTED WHEAT AND RE-SALE OF HOME-GROWN MILLABLE WHEAT

Hit Words:3

- No. 7/1933: PART IV REGISTRATION OF FLOUR IMPORTERS, DISTILLERS, WHEAT IMPORTERS, WHEAT DEALERS, WHEAT GROWERS, MAIZE MILLERS, MAIZE IMPORTERS, AND MANUFACTURERS OF

COMPOUND FEEDING STUFFS AND RESTRICTIONS ON CARRYING ON
CERTAIN BUSINESSES

Hit Words:31

- No. 7/1933: PART II CONTROL AND REGULATION OF WHEAT MILLING

Hit Words:3

- No. 7/1933: PART I PRELIMINARY AND GENERAL

Hit Words:9

55. No. 5/1933: LOCAL GOVERNMENT ACT, 1933

Hit Words:6

56. No. 52/1933: FINANCE (CUSTOMS AND EXCISE DUTIES) ACT, 1933

Hit Words:3

57. No. 49/1933: PART I PRELIMINARY AND GENERAL

Hit Words:2

58. No. 38/1933: PART IV MISCELLANEOUS AMENDMENTS OF THE LAW
RELATING TO LAND PURCHASE

Hit Words:2

59. No. 31/1933: SCHEDULE

Hit Words:2

- No. 31/1933: PART II COMHLUCHT SIUICRE EIREANN, TEORANTA

Hit Words:5

60. No. 26/1933: AGRICULTURAL PRODUCTS (REGULATION OF EXPORT)
ACT, 1933

Hit Words:3

61. No. 20/1933: SCHEDULE (B)

Hit Words:4

62. No. 16/1933: PART I PRELIMINARY AND GENERAL

Hit Words:3

63. No. 15/1933: PART II CUSTOMS AND EXCISE

Hit Words:2

64. No. 11/1933: PART XI MISCELLANEOUS

Hit Words:2

65. No. 2/1932: SCHEDULE

Hit Words:2

66. No. 5/1932: FINANCE (CUSTOMS DUTIES) ACT, 1932

Hit Words:5

67. No. 34/1932: FOURTH SCHEDULE

Hit Words:2

- No. 34/1932: SECOND SCHEDULE

Hit Words:2

- No. 34/1932: FINANCE (CUSTOMS DUTIES) (NO. 4) ACT, 1932

Hit Words:2

68. No. 33/1932: PART VI MANUFACTURER'S PRICES FOR PROTECTED
COMMODITIES

Hit Words:4

- No. 33/1932: PART IV OVERCHARGING FOR COMMODITIES NOT THE
SUBJECT OF PRICE ORDERS

Hit Words:2

- No. 33/1932: PART III RETAIL AND WHOLESALE PRICES

Hit Words:5

- No. 33/1932: PART II PRICES COMMISSION AND CONTROLLER OF
PRICES

Hit Words:2

69. No. 25/1932: THERAPEUTIC SUBSTANCES ACT, 1932

Hit Words:2

70. No. 23/1932: SCHEDULE (B)

Hit Words:4

71. No. 21/1932: CONTROL OF MANUFACTURES ACT, 1932

Hit Words:2

72. No. 19/1932: PART II FINANCIAL PROVISIONS

Hit Words:4

73. No. 11/1932: FINANCE (CUSTOMS DUTIES) (No. 2) ACT, 1932

Hit Words:4

74. No. 10/1932: PART I PRELIMINARY AND GENERAL

Hit Words:2

75. No. 8/1931: FOURTH SCHEDULE

Hit Words:6

- No. 8/1931: THIRD SCHEDULE

Hit Words:4

- No. 8/1931: SECOND SCHEDULE

Hit Words:18

- No. 8/1931: FIRST SCHEDULE

Hit Words:3

- No. 8/1931: PART IV MISCELLANEOUS

Hit Words:4

- No. 8/1931: PART III TRANSITORY PROVISIONS

Hit Words:17

- No. 8/1931: PART II AGRICULTURAL AND FORESTRY SCHEMES

Hit Words:90

- No. 8/1931: PART I DISSOLUTION OF THE DEPARTMENT OF
AGRICULTURE AND TECHNICAL INSTRUCTION FOR IRELAND AND
TRANSFER OF THE FUNCTIONS THEREOF

Hit Words:11

- No. 8/1931: AGRICULTURE ACT, 1931

Hit Words:12

76. No. 48/1931: SCHEDULE

Hit Words:2

- No. 48/1931: PART VII MISCELLANEOUS AND GENERAL

Hit Words:6

- No. 48/1931: PART II MERCHANDISE MARKS COMMISSION

Hit Words:2

77. No. 36/1931: VETERINARY SURGEONS ACT, 1931

Hit Words:3

78. No. 33/1931: FISHERIES (REVISION OF LOANS) ACT, 1931

Hit Words:2

79. No. 30/1931: SCHEDULE (B)

Hit Words:4

80. No. 29/1931: PART I PRELIMINARY

Hit Words:2

81. No. 26/1931: PART I PRELIMINARY

Hit Words:2

82. No. 3/1930: UNIVERSITY EDUCATION (AGRICULTURE AND DAIRY SCIENCE) ACT, 1930

Hit Words:6

83. No. 36/1930: PART III ACTS OF THE OIREACHTAS AFFECTED BY LEGISLATION OF THE OIREACHTAS IN THE YEAR 1930

Hit Words:2

- No. 36/1930: PART I ACTS OF THE IRISH PARLIAMENT AND THE UNITED KINGDOM PARLIAMENT AFFECTED BY LEGISLATION OF THE OIREACHTAS IN THE YEAR 1930

Hit Words:3

- No. 36/1930: AGRICULTURAL PRODUCE (EGGS) ACT, 1930

Hit Words:2

84. No. 29/1930: FIFTH SCHEDULE

Hit Words:2

- No. 29/1930: PART VII TRANSITORY PROVISIONS IN RELATION TO COMMITTEES OF TECHNICAL INSTRUCTION

Hit Words:2

- No. 29/1930: PART V ENFORCEMENT OF CONTINUATION EDUCATION

Hit Words:4

- No. 29/1930: PART I PRELIMINARY

Hit Words:6

85. No. 21/1930: SCHEDULE (B)

Hit Words:3

86. No. 10/1930: AGRICULTURAL PRODUCE (FRESH MEAT) ACT, 1930

Hit Words:2

87. No. 7/1929: DESTRUCTIVE INSECTS AND PESTS ACT, 1929

Hit Words:3

88. No. 41/1929: HOUSING (GAELTACHT) ACT, 1929

Hit Words:3

89. No. 30/1929: PART IV MISCELLANEOUS AND GENERAL

Hit Words:4

- No. 30/1929: PART II FINANCIAL

Hit Words:2

90. No. 29/1929: SCHEDULE (B)

Hit Words:5

91. No. 6/1928: SCHEDULE

Hit Words:5

- No. 6/1928: MINISTERS AND SECRETARIES (AMENDMENT) ACT, 1928

Hit Words:16

92. No. 34/1928: FORESTRY ACT, 1928

Hit Words:2

93. No. 33/1928: SCHEDULE (B)

Hit Words:3

94. No. 26/1928: THIRD SCHEDULE

Hit Words:2

- No. 26/1928: SECOND SCHEDULE

Hit Words:4

- No. 26/1928: FIRST SCHEDULE

Hit Words:2

- No. 26/1928: CREAMERY ACT, 1928

Hit Words:3

95. No. 12/1928: SLAUGHTERED ANIMALS (COMPENSATION) ACT, 1928
Hit Words:3

96. No. 11/1928: PART II CUSTOMS EXCISE
Hit Words:2

97. No. 28/1927: SCHEDULE (B)
Hit Words:2

98. No. 26/1927: BARROW DRAINAGE ACT, 1927
Hit Words:2

99. No. 24/1927: SCHEDULE
Hit Words:2

- No. 24/1927: PART III CHATTEL MORTGAGES
Hit Words:2

- No. 24/1927: PART II THE AGRICULTURAL CREDIT CORPORATION
Hit Words:12

- No. 24/1927: PART I PRELIMINARY
Hit Words:3

- No. 24/1927: AGRICULTURAL CREDIT ACT, 1927
Hit Words:3

100. No. 20/1927: SCHEDULE (B)
Hit Words:5

101. No. 19/1927: LAND ACT, 1927
Hit Words:3

102. No. 18/1927: PART II CUSTOMS AND EXCISE
Hit Words:2

103. No. 8/1926: ACQUISITION OF LAND (ALLOTMENTS) ACT, 1926
Hit Words:5

104. No. 45/1926: PART II BROADCASTING
Hit Words:2

105. No. 40/1926: TARIFF COMMISSION ACT, 1926
Hit Words:2

106. No. 39/1926: LOCAL AUTHORITIES (OFFICERS AND EMPLOYEES) ACT, 1926
Hit Words:4

107. No. 35/1926: THIRD SCHEDULE
Hit Words:4

108. No. 32/1926: SECOND SCHEDULE
Hit Words:5

- No. 32/1926: FIRST SCHEDULE
Hit Words:5

- No. 32/1926: UNIVERSITY EDUCATION (AGRICULTURE AND DAIRY SCIENCE) ACT, 1926
Hit Words:12

109. No. 28/1926: SCHEDULE (B).—PART II
Hit Words:2

110. No. 12/1926: STATISTICS ACT, 1926
Hit Words:2

111. No. 9/1925: DAIL EIREANN COURTS (WINDING-UP) ACT, 1925
Hit Words:3

112. No. 5/1925: PART IV SUPERANNUATION, ETC
Hit Words:4

113. No. 3/1925: LIVE STOCK BREEDING ACT, 1925
Hit Words:2

114. No. 32/1925: PART IV MISCELLANEOUS
Hit Words:3

115. No. 28/1925: PART I INCOME TAX
Hit Words:2

116. No. 27/1925: SCHEDULE (B)
Hit Words:2

117. No. 26/1925: SHANNON ELECTRICITY ACT, 1925
Hit Words:2

118. No. 58/1924: DAIRY PRODUCE ACT, 1924

Hit Words:2

119. No. 35/1924: AGRICULTURAL PRODUCE (EGGS) ACT, 1924

Hit Words:2

120. No. 34/1924: SCHEDULE (B)

Hit Words:2

121. No. 29/1924: PART VII GENERAL

Hit Words:2

- No. 29/1924: PART II ESTABLISHMENT OF RAILWAY TRIBUNAL

Hit Words:2

122. No. 16/1924: SCHEDULE

Hit Words:8

- No. 16/1924: MINISTERS AND SECRETARIES ACT, 1924

Hit Words:5

123. No. 13/1924: LOCAL GOVERNMENT (TEMPORARY PROVISIONS)
(AMENDMENT) ACT, 1924

Hit Words:2

124. No. 9/1923: LOCAL GOVERNMENT (TEMPORARY PROVISIONS) ACT,
1923

Hit Words:3

125. No. 42/1923: PART V GENERAL

Hit Words:4

126. No. 33/1923: SCHEDULE (B)

Hit Words:3

127. No. 27/1923: LAND LAW (COMMISSION) ACT, 1923

Hit Words:5

128. No. 3/1922: SCHEDULE

Hit Words:3